

**28.08.2023**  
Court No.01  
rpan/47

**CIRCUIT BENCH OF CALCUTTA HIGH COURT  
AT JALPAIGURI**

**CRM (DB) 517 of 2023**

In Re: An application under Section 439 of the Code of Criminal Procedure;

And

In Re : **Uttam Sutradhar**  
- Petitioner

Mr. Biswarup Roy,  
Ms. Pratibha Ray  
... for the Petitioner.  
Mr. Nilay Chakraborty,  
Mr. Tapan Bhattacharjee  
... for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Siliguri Women Police Station Case No. 161 of 2021 dated 18.10.2021 under Sections 354A/ 506/ 365/ 328/ 370/ 120B of the Indian Penal Code read with Sections 3/4/5/6 of Immoral Traffic Prevention Act, 1956.

Mr. Roy, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. His name does not appear in the FIR. Two FIR named accused persons have already been granted bail. The petitioner is languishing in custody since 9<sup>th</sup> May, 2022. Upon completion of investigation, charge-sheet has already been submitted. However, there is no possibility towards early conclusion of the trial. In the said conspectus, the petitioner may be enlarged on bail on any stringent condition.

The learned advocate appearing for the State submits that there are incriminating materials on record against the petitioner

and considering the gravity of the offence, his prayer needs to be refused.

Heard the learned advocates appearing for the respective parties and perused the case diary.

From the annexures to the application it appears that the petitioner was not produced from the judicial custody on three occasions in spite of directions of the learned court below to the Superintendent, Special Correctional Home, Siliguri. He has already suffered detention since 9<sup>th</sup> May, 2022 and upon completion of investigation, charge-sheet has also been submitted. In the said conspectus and considering the extent of complicity of the petitioner in the alleged offence, we are of the opinion that his further detention is not required.

Accordingly, we allow this application and direct that the petitioner, namely, **Uttam Sutradhar** shall be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Siliguri, Darjeeling and on further condition that he shall meet with the Officer-in-Charge, Siliguri Women Police Station once a week until further orders. He shall also attend the trial court on all the dates as fixed for hearing.

It is further directed that the petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with any of the aforesaid directions, without justifiable cause, the learned Court below shall be at liberty to cancel the petitioner's bail without any further reference to this Court.

The application for bail, being CRM (DB) 517 of 2023, is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

**(Lapita Banerji, J.)**

**(Tapabrata Chakraborty, J.)**