

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

**30.08.2023
Court No.01
Item No5
P.P./S.D.**

CRM (DB) 527 of 2023

In Re:- An application for bail under section 439 of the
Code of Criminal Procedure;
And

In Re: Bapi Roy

...Petitioner

Ms. Madhushri Dutta

....For the petitioner

Mr. Kallol Acharjee

Mr. Tapan Bhattacharjee

...For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred in connection with Mekhliganj Police Station Case No.88 of 2023 dated 08.04.2023 under Sections 448/326/307/34 of the Indian Penal Code.

Ms. Dutta, learned advocate appearing for the petitioner submits that the petitioner is married and has a family. He has been falsely implicated. There is no possibility that he would flee from justice. He has already suffered detention since 10.4.2023 and in the said conspectus, further detention may not be necessary more so, when upon completion of investigation chargesheet has been submitted.

Mr. Acharjee, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the Case Diary.

Having heard the learned advocates appearing for the respective parties, considering the manner in which the offence has taken place, the statement of the victim girl, as recorded under Section 164 of the Cr.P.C. and the injury report, we are of the opinion that further detention of the petitioner is not necessary more so, when upon completion of investigation chargesheet has been submitted and *prima facie* there is also no possibility that he would flee from justice since he has a family.

In view thereof, the petitioner's prayer for bail is allowed.

Accordingly, we allow this application and direct that the petitioner, namely, **Bapi Roy**, 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 Additional Chief Judicial Magistrate, Mekhligunj.

It is further directed that the petitioner shall not leave the jurisdiction of Mekhligunj Police Station and shall meet with the Officer-in-Charge of the said police station once a week. He shall not tamper with the evidence or influence the witnesses and shall attend the learned Court below on all the dates as fixed for hearing.

It is made clear that in the event the conditions as stated above are not complied with, the learned Court below would be at liberty to cancel the petitioner's bail without any further reference to this Court.

With the above observations and directions, the application for bail, being C.R.M.(DB) 527 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.)