

D/L. 22.
September 12, 2023.
MNS

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (DB) 549 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 04.09.2023 in connection with Matigara Police Station Case No. 406 of 2023 dated 29.05.2023 under Sections 406/420/328/376/506 of the Indian Penal Code, 1860.

And

In the matter of: Bhabesh Roy

.... Petitioner

Mr. Hillol Saha Podder,
Ms. Mousumi Das

... for the petitioner

Mr. Ujjwal Luksom,
Ms. Namrata Das

... for the State

1. As per prayer of the learned Advocate of the petitioner, leave is granted to carry out the necessary corrections in the cause title of the application during the course of the day.
2. Learned counsel for the State opposes the prayer for bail.
3. Learned counsel for the petitioner points out rightly that the initial allegation of forcible penetration has not been established in the charge-sheet and the statements made under Section 164 of the Code of Criminal Procedure. That apart, we find that the petitioner been in custody for a sufficiently long period.

4. Accordingly, CRM (DB) 549 of 2023 is allowed, thereby granting bail to the petitioner on condition that the petitioner furnishes 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, Siliguri.
5. The petitioner shall not leave the territorial jurisdiction of the trial court during the entire period of trial and shall attend the trial on each and every date.
6. The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts and circumstances of the case so as to dissuade such person from disclosing such facts to any police officer or the court and/or tamper with the evidence in any manner whatsoever.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)