

AD-28
Ct No.01
Jalpaiguri
12.09.2023
SP

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (DB) 555 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **06.09.2023** in connection with **Bhakti Nagar** Police Station Case No. **629** of **2023** dated **25.07.2023** under Section **376** IPC, corresponding to GR Case No. **3847** of **2023**.

And

In the matter of: MANORANJAN ROY @ JAURU

.... petitioner

Mr. Joydeep Kanta Bhowmik,
Mr. Ainur Hossain
Ms. Rikta Sarkar
Mr. Sayantan Bhowmik

... for the petitioner

Mr. Kallol Acharjee
Ms. Sukanya Adhikary

... for the State

1. Learned counsel for the petitioner argues that the petitioner had consensual relationship with the victim lady. Subsequently upon detection of pregnancy, the complaint was lodged against the petitioner.
2. While opposing the prayer for bail, learned counsel for the State alleges that the victim lady was mentally challenged, which aggravates the allegations against the petitioner.
3. However, from the materials on record, we do not find anything concrete to establish that the victim lady was suffering from any sort of mental unsoundness. Hence, we cannot rule out, prima facie, the scope of consensuality in

the relation between the petitioner and the victim, which mitigates the circumstances for the petitioner, at least for the purpose of bail. Hence, we are inclined to grant benefit of bail to the petitioner.

4. Accordingly, CRM (DB) 555 of 2023 is allowed, thereby granting bail to the petitioner on condition that the petitioner shall furnish a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Chief Judicial Magistrate, Jalpaiguri.
5. The petitioner shall not leave the territorial jurisdiction of the trial court during the entire period of investigation and, thereafter, subject to any order which may be passed by the Trial Court in that regard, and shall make himself available as and when required for interrogation by the investigating officer. The petitioner shall also meet the investigating officer at least once a month.
6. Over and above, 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.)