

13.09.2023

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***Calcutta High Court  
In the Circuit Bench at Jalpaiguri***

**CRM (DB) 561 of 2023**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 08.09.2023 in connection with Siliguri Women Police Station Case No. 103 of 2023 dated 17.07.2023 under Sections 376/417/312/506 of the Indian Penal Code.

In the matter of : Deepjyoti Chowdhury @ Deepjyoti Choudhury  
... petitioner

Mr. Hillol Saha Podder

...for the petitioner

Mr. Kallol Acharjee,  
Ms. Sukanya Adhikary

.....for the State.

1. Learned counsel appearing for the petitioner argues that there was a seven-year love affair between the victim and the petitioner. It is further contended that thereafter the relationship soured due to refusal of the petitioner to marry the victim.

2. Learned counsel for the State opposes the prayer for bail and contends that ingredients of Section 312 of the Indian Penal Code are also there.

3. It transpires from the materials on record that there was a previous relationship between the petitioner and the victim and the primary allegation was refusal by the petitioner to honour the promise to marry. Hence, we cannot rule out the scope of consensuality in the relationship. Hence, the benefit of bail is required to be granted to the petitioner.

4. Accordingly, CRM (DB) 561 of 2023 is allowed, thereby granting bail to the petitioner on condition that the petitioner shall furnish a bond of Rs. 10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Siliguri. The petitioner shall not leave the territorial jurisdiction of the Trial Court during the entire period of trial and shall attend on each and every date of trial.

6. Moreover, the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such person from disclosing such facts to the court or to any police officer or tamper with evidence in any manner whatsoever.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)