

22.11.2023

Serial no.1
Court No.1
(CHC)
(Allowed)

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

CRM (DB) 642 of 2023

*In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **Bhaktinagar** Police Station Case No. **1206 of 2022** dated **07.11.2022** under Section **365** of the Indian Penal Code, 1860 and adding Sections 376/313 of the Indian Penal Code, 1860.*

-And-

In the matter of : **Kishan Kumar Nayak**
... .. Petitioner

*Mr. Hillol Saha Poddar, **Advocate**
Ms. Mousumi Das, Advocate
... .. For the Petitioner*

*Mr. Nilay Chakraborty, **Advocate**
Ms. Sukanya Adhikary, Advocate
... ..For the **State***

Petitioner prays for bail.

Learned advocate appearing Learned advocate appearing for the petitioner submits that, petitioner is in custody for 153 days. Police filed charge-sheet and as well as the supplementary charge-sheet and therefore, further detention of the petitioner is not required.

Learned advocate appearing for the State draws the attention of the Court to the materials in the Case Dairy. He submits that, one mobile phone of the de facto complainant was seized. Police filed charge-sheet and supplementary charge-sheet.

Considering the period of detention of the petitioner and considering the fact that, police filed charge-sheet as well as supplementary charge-sheet and considering the fact that, the mobile phone seized is yet to throw up any evidence of the claim of the de facto complainant that indecent picture of her was taken, we grant bail to the petitioner.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the **Learned Chief Judicial Magistrate, Jalpaiguri**, subject to condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

In the event, the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without further reference to this Court.

The prayer for bail of the petitioner is **allowed**.

CRM(DB) 642 of 2023 is **disposed of**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

