

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

15.12.2023.
9/tkm

C.R.M. (DB) 706 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhakti Nagar P.S case no. 458 of 2023 dated 5.6.2023 under sections 341/354D/506/323/324/307 of the IPC

and

Allowed

In the matter of : Sanjay Saha @ Habol Saha

..... Petitioner

Mr. Sudip Guha

...for the Petitioner

Mr. Kallol Acharjee

Ms. Namrata Das

...for the State

1. Petitioner is in custody for 190 days. It is submitted that there was a love affair between the parties. He has been falsely implicated. He prays for bail.

2. Learned lawyer for the State opposes the bail prayer. He contends petitioner has been regularly harassing the victim. A separate criminal case was registered against him earlier.

3. We have considered the materials on record. Statements of witnesses and other relevant materials show victim has been subjected to continuous harassment by the petitioner. An earlier criminal case was also registered against him. However the injuries on the victim are not grievous. Petitioner has suffered incarceration for six months. Keeping in mind the aforesaid facts we are of the opinion further detention of the petitioner is not necessary but his movement

requires to be restricted in order to prevent commission of similar offence in future.

4. Accordingly, the petitioner 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 CJM, Jalpaiguri on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall not enter the jurisdiction of Vakti Nagar P.S. except for the purpose of investigation and attending court proceeding and shall report to the concerned officer in charge within whose jurisdiction he shall reside once in a week until further orders and shall provide the address where he shall presently reside to the investigating officer as well as court below.

5. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

6. The application being CRM (DB) 706 of 2023 is disposed of.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)