

22.10.2024
Ct. No. 8
SL No. 41
NB / SB

C.R.M. (DB) 3586 of 2024

In Re: - An application for bail under Section 483 of B.N.S.S. 2023 in connection with Burtolla P.S. Case No. 136/2024 dated 07.9.2024 under Sections 132/109/3(5) of the B.N.S.S. 2023.

And

In the matter of: Juhi Roy

Mr. S.M. Obaidullah
Mr. Roni Chowdhury

...for the Petitioner

Mr. Rudradipta Nandy
Mr. Arijit Banerjee
Mr. Nirupam Dhali

....for the State

1. This is an application for bail under Section 483 of B.N.S.S. 2023 in connection with Burtolla P.S. Case No. 136/2024 dated 07.9.2024 under Sections 132/109/3(5) of the B.N.S.S. 2023.
2. Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner belongs to the transgender community. It is alleged that on a particular day the petitioner and another assaulted one police officer. Charge sheet has already been submitted and the matter has already been committed for trial. The petitioner is in custody for about 46 days.
3. Learned counsel appearing for the State vehemently opposes the prayer for bail. He submits that is an unfortunate case when the victim police officer went to help the victims of an accident. The petitioner and others belonging to their community suddenly came there and assaulted him with bamboo pole. He received serious injuries on the head and had to be treated in a hospital. The prosecution would pray for day to day trial in this matter.

4. It is indeed very unfortunate that a police officer trying to help victims of an accident was assaulted by the petitioner and others. As would appear from the injury report, he received a cut injury and a scratch skin injury.
5. The injuries mentioned in the report does not appear to be grievous. Therefore, we are inclined to allow the application for bail of the petitioner.
6. Accordingly, the petitioner namely, Juhi Roy shall 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 Additional Chief Judicial Magistrate, Kolkata subject to the condition that the petitioner shall not intimidate or threaten witnesses or tamper with evidence in any manner whatsoever.
7. In the event the petitioner fails to appear before the Trial Court without any justifiable cause once the trial commences, the Trial Court shall be at liberty to cancel petitioner bail automatically without any further reference to this Court.
8. The application for bail is, thus, allowed.
9. Parties shall act on server copy of this order duly downloaded from the official website of this Court.

(Biswaroop Chowdhury, J.)

(Jay Sengupta, J.)