

09.01.2024
SL No.05
Court No.1
(srimanta)
(Allowed)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

CRM (DB) 9 of 2024

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Haldibari Police Station Case No. 232 of 2022 dated 17.08.2022 under Sections 448/341/325/307/376/326/511/506/34 of the Indian Penal Code, 1860 corresponding to GR Case No. 603 of 2022 pending before the Learned Additional Chief Judicial Magistrate, Mekhliganj.

And

In the matter of : **Rabi Barman**

- Petitioner (in Jail).

Mr. Partha Pratim Sarkar,
Mr. Sudip Guha

... For the Petitioner.

Mr. Saikat Chatterjee,
Mr. Dhiman Sil

... For the State.

Heard Mr. Partha Pratim Sarkar, learned Counsel for the petitioner and Mr. Saikat Chatterjee, learned Counsel for the State.

This application for bail has been filed under section 439 of the Code of Criminal Procedure filed in connection with Haldibari Police Station Case No. 232 of 2022 dated 17.08.2022 under Sections 448/341/325/307/376/326/511/506/34 of the Indian Penal Code, 1860 corresponding to GR Case No. 603 of 2022 pending before the Learned Additional Chief Judicial Magistrate, Mekhliganj.

The First Information Report was lodged on 17.08.2023 mentioning two incidents, one dated 15.08.2023 at about 10.00 P.M. and the other on 16.08.2023 at about 6.30 P.M. The main allegation is against the present petitioner is under Sections 376/511 of the Indian Penal Code. From perusal of the FIR and the Case Diary as produced by learned State Advocate, it prima facie appears that the petitioner and the accused both are neighbours. Prima facie, the manner in which the allegation has been made is not free from doubts. So far as the allegation with respect to the incident dated 16.08.2023 is concerned, no specific role has been assigned to the petitioner and instead a general allegation has been made that all the three accused who are real brothers, have attacked the husband of the victim with a knife. As per medical report, the injury was caused by one blade and it is only one cut. It has neither been mentioned in the FIR nor the Case Diary reflects that one cut injury received by the husband of the victim was caused by the petitioner herein.

Learned State Advocate submits that since FIR has been registered against the petitioner indicating heinous offence, therefore, bail petition deserves to be required. However, he does not dispute the prima facie facts as emerges from the Case Diary which has been briefly noted above.

Considering all the facts and circumstances of the case, the nature and gravity of accusation, the stage of investigation and without commenting on merits of the case, bail is granted to the

accused petitioner, namely, **Rabi Barman** in connection with Haldibari Police Station Case No. 232 of 2022 dated 17.08.2022 under Sections 448/341/325/307/376/326/511/506/34 of the Indian Penal Code, 1860 corresponding to GR Case No. 603 of 2022.

In view of the aforesaid the petitioner, **Rabi Barman** son of Purna Barman @ Punna Barman, of Rangapani, P.S. – Haldibari, District – Cooch Behar, Pin-735122 in connection with Haldibari Police Station Case No. 232 of 2022 dated 17.08.2022 under Sections 448/341/325/307/376/326/511/506/34 of the Indian Penal Code, 1860 corresponding to GR Case No. 603 of 2022, is enlarged on bail on a person bond of Rs.10,000/- each of the like amount to the satisfaction of the concerned Court and also subject to the following conditions:-

- (i) The petitioner shall not in any way influence the witnesses or try to delay the conclusion of trial.
- (ii) The petitioner shall remain personally present before the learned Trial Court on each day when witnesses are produced for examination and shall not seek any adjournment on such date.
- (iii) The petitioner shall not misuse liberty of bail in any way.
- (iv) The petitioner shall remain personally present for a statement under Section 313 Code of Criminal Procedure.
- (v) At least one surety offered by the petitioner as aforesaid, shall be a local resident.

(vi) The petitioner shall not leave India without leave of the Court.

On furnishing of the personal bond and the sureties by the petitioner as aforesaid, the petitioner shall be released on bail forthwith.

The application for bail being No. CRM(DB) No. 9 of 2024 is disposed of.

Urgent certified copy of this order, if applied for, be supplied to the learned Counsel for the respective parties.

(Surya Prakash Kesarwani, J.)

(Rai Chattopadhyay, J.)