

**IN THE HIGH COURT AT CALCUTTA  
Circuit Bench at Jalpaiguri**

**13.05.2024.  
71.  
Ct.No.28.  
as  
(Allowed)**

**C.R.M. (DB) 197 of 2024**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jalpaiguri P.S. Case No.166 of 2024 dated 29.02.2024 under Sections 417/376 of the Indian Penal Code.

In the matter of : **Somenath Das @ Kamal Das.**

.... Petitioner.

Mr. Biswarup Roy,  
Ms. S. Debnath.

...for the Petitioner.

Mr. Saikat Chatterjee,  
Mr. Kallol Nag.

...for the State.

1. Heard the learned Advocates for the parties.
2. We have considered the materials on record. Victim was a major lady at the time of cohabitation. She was aware of the consequence of the act. Petitioner is in custody for 75 days.
3. Under such circumstances, we are of the opinion further detention of the petitioner for progress of investigation is not necessary and he may be enlarged on bail.
4. Accordingly, the petitioner viz., **Somenath Das @ Kamal Das** shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Jalpaiguri subject to condition that he shall appear before the trial court on every date of hearing until further

orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

5. In the event the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

6. This application for bail is, thus, disposed of.

**(Ajay Kumar Gupta, J.)**

**(Joymalya Bagchi, J.)**