

Court No. 1

02.05.2024

(JPD 56)

(S. Banerjee)

Calcutta High Court

In the Circuit Bench at Jalpaiguri

Appellate Side

CRM (DB) 206 of 2024

(Allowed)

In re: ^c An application for bail under Section 439 of the Code of Criminal Procedure in connection with Cooch Behar Sadar Women Police Station Case No. 52 of 2024 dated 28.03.2024 under Sections 376/417/506/109 of the Indian Penal Code.

And

In the matter of: Rajib Sekh
...petitioner

Mr. Hillol Saha Podder
Ms. Mousumi Das

... for the petitioner

Mr. Abhijit Sarkar
Mr. Sanjib Das

... for the State

Mr. Sourav Lahiri
... for the de facto complainant

1. Vakalatnama as filed by the informant is taken on record.
2. Heard learned counsel for the petitioner and the State at length.
3. It is submitted on behalf of the present accused-petitioner that he is in custody since 29th March, 2024.
4. On perusal of the entire materials of the case diary, especially the statement of the victim as recorded under Section 164 Cr.P.C., we find sufficient

incriminating materials as against the present accused-petitioner. However, considering the fact that investigation has been proceeding for a considerable length of time and also considering the fact that the present accused-petitioner is languishing in JC since 29.03.2024, we are inclined to allow the prayer for bail.

5. Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- with two registered sureties of Rs. 5,000/- each, one of whom must be local, to the satisfaction of the Learned Chief Judicial Magistrate, Cooch Behar, with a further condition that the present accused-petitioner shall meet the Investigating Officer of this case twice in a week till completion of investigation and he shall not leave the territorial jurisdiction of district Cooch Behar till submission of final report.
6. It is further ordered that in the event the present accused-petitioner make any attempt to contact with the victim of the alleged incident, either bay way of phone or through social media or by any other means, the de facto complainant will have liberty to approach the learned Trial Court for cancellation of the bail as passed by us without making any further reference to this court.

7. It is further ordered that the present accused-petitioner shall not tamper with evidence and/or intimidate and/or cause any threat to the victim as well as to any of the witnesses of the instant case.
8. All parties shall act on the server copy of this order duly downloaded from the official website of this court.

(Soumen Sen, J.)

(Partha Sarathi Sen, J.)