

03.05.2024
Court No.01
Item No. 04
Allowed

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

ar

CRM (DB) 225 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sessions Case No. 195 of 2022 arising out of Kotwali Police Station Case No. 466 of 2022 dated 17.07.2022 under Sections 448/324/307 of the Indian Penal Code.
And

In Re: **Dipak Roy**

Petitioner

Mr. Kallal Ghosh
Mr. Bhanu Singha Sarkar
Mr. Rjkumar Gupta
Mr. Kishan Sah
Mr. Rakesh Gupta
Mr. Utpal Dutta

For the Petitioner

Mr. Kallol Acharjee
Mr. Kallol Nag

For the State

Ms. Supriya Singh

For the Defacto Complainant

1. In course of hearing learned counsel appearing on behalf of the accused petitioner through DLSA, Jalpaiguri, at the very outset draws our attention to the medial paper dated 17.01.2024 issued from the office of the M.S.V.P, Jalpaiguri Medical College and Hospital.
2. It is submitted that considering the fact that the present accused petitioner is a psychiatric patient and also considering the fact that the present accused petitioner is languishing in jail custody for a period of One year Nine months, the instant application for bail may be considered favourably.

3. While opposing the prayer for bail learned counsel for the State draws our attention to the injury report as available in the case diary, more specially in page nos. 52 and 53 of the case diary. It is submitted that considering the grievous nature of the offence appropriate order of rejection may be passed.
4. Learned counsel appearing on behalf of the victim echoed the version of the learned counsel for the State.
5. We have meticulously perused the entire materials placed before us. Admittedly, the injury suffered by the victim is really grievous. However, considering the mental health condition of the present accused petitioner, which is evident from the certificate dated 17.01.2024 as issued from the office of the M.S.V.P, Jalpaiguri Medical College and Hospital, we are inclined to allow the instant application for bail.
6. In the facts and circumstances of the present case, the present accused petitioner shall be released on bail upon furnishing a bond of Rs.1,000/- with one registered surety of like amount, to the satisfaction of the learned Trial Court with a condition that the petitioner shall appear before the trial court on every date of substantive hearing subject to the provision of Section 317 Cr.P.C. In the event of non-compliance of any of the conditions, the bail shall stand automatically cancelled without any further reference to this Court.
7. It is further ordered that the Secretary, DLSA, Jalpaiguri shall ensure the treatment of the present accused petitioner by a renowned psychiatric preferably of Jalpaiguri Government Medical College and

Hospital and/ or any other Government Medical College and Hospital which he/she thinks it fit and proper.

8. This application for bail is, thus, disposed of.
9. 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.)