

20.08.2024.

Item No. 8

Court No.1

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*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE*

C.R.M. (DB) No. 312 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed on 05.07.2024 in connection with Jalpaiguri Women Police Station Case No. 14 of 2024 dated 05.03.2024 under Sections 363/376/506/109 of the Indian Penal Code.

And

In the matter of: **Jiyarul Rahaman.** ...Petitioner.

Mr. Jaydeep Kanta Bhowmik,
Mr. Shubham Kumar. ...For the petitioner

Mr. Saikat Chatterjee,
Mr. Chattu Roy.For the State

Ms. Sayantani Das.
...For the de facto complainant.

1. The application for bail is canvassed on the ground that the petitioner is in custody for 162 days.
2. It appears from the statements of the victim recorded under Section 164 of the Code of Criminal Procedure that she had given the same on pressure from the police.
3. It is further stated that the petitioner has promised to marry her and give her a lot of gift.
4. Across the bar the victim is represented.
5. Learned Counsel for the de facto complainant submits that she was having a romantic relationship with the petitioner and had gone to Kerala for holidays where they had physical relationship. She further submits that brother of the victim and her family members were

against the relationship of the victim with the accused and hence the complaint was lodged.

6. The victim and the accused are stated to be willing to marry each other. It further appears from the records that all other accused persons being family members of the petitioner i.e. mother, father and brothers are already on bail. It also appears from the records that Section 376D of the Indian Penal Code has been added in the charge-sheet without any evidence on record.

7. Admittedly, the petitioner had a physical relationship with the victim.

8. Counsel for the State raised objection to the prayer for bail of the petitioner.

9. In the backdrop of the facts and circumstances of the case as narrated hereinabove, this Court holds that no useful purpose will be served in detaining the petitioner in custody any further. The petitioner is entitled to bail.

10. Let the petitioner be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of Rs.5,000/- each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Jalpaiguri.

11. C.R.M. (DB) No. 312 of 2024 is, thus, disposed of.

12. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Ajoy Kumar Mukherjee, J.)

(Rajasekhar Mantha, J.)

