

**In the High Court At Calcutta
Jalpaiguri Circuit Bench
CRM (DB) 546 of 2024**

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Bagdogra Police Station** Case No. **425 of 2023** dated **29.08.2023** under Sections **376(D)** of the Indian Penal Code.

- A n d -

In the matter of : Suraj Sobar

.... Petitioner.

Ms. Rima Sarkar,
Mr. Sidhi Sethia,

... For the Petitioner.

Mr. Tapan Bhattacharjee,
Mr. Dr. Arjun Chowdhury,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioner says that he is languishing in jail custody for one year two months. Witness action has not yet started. There are 15 charge sheet named witnesses. An early conclusion of the trial is not possible. In any event, he has been falsely implicated. The medical report does not support the prosecution case. He prays for bail.

2. Opposing the prayer, learned Advocate for the State and the defacto complainant say that the allegation is of gang rape. The accused persons had taken the victim to a forest and ravished her there. We have been shown the statement of the victim lady recorded under Section 164 of the Code of Criminal Procedure.

3. The medical report, *prima facie*, does not advance the prosecution case to any extent. In any event, the petitioner is in custody for a very long period of time without there being any

progress in the trial. Witness action has not begun. It is anybody's guess as to when the trial shall conclude even if it were to begin tomorrow.

4. Without commenting on the merits of the case and solely on the ground of long incarceration of the petitioner coupled with zero progress in the trial, we feel impelled to grant bail to the petitioner.

5. Accordingly, we direct that the petitioner, namely, **Suraj Sobar**, shall be released on bail upon furnishing a bond of Rs. 10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Additional District and Session Judge, 1st Court, Siliguri 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 and on further condition that the petitioner while on bail shall not enter the jurisdiction of Bagdogra Police Station and shall provide his current address where he will reside to the officer-in-charge of the concerned police station and also to the jurisdictional Trial Court and shall meet the officer-in-charge of the concerned police station once every fortnight until further orders. If the petitioner intimidates witnesses or tampers with evidence, his bail may be liable to be cancelled.

6. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.

7. The application for bail is, accordingly, disposed of.

8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Biswaroop Chowdhury, J.)

(Arijit Banerjee, J.)