

25.11.2024
Ct. No. 01
SL No. 82
Cp

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

CRM (DB) No. 565 of 2024

In Re: - An application for bail under Section 483 of the B.N.S.S. 2023 in connection with Session Case No. 237 of 2024 arising out of G.R. No. 309 of 2024 vide Bhaktinagar Police Station Case No.53 of 2024 dated 22.01.2024 for alleged offences punishable under Sections 448/354/354C/376(2)/376D/385/509/506/34 of the Indian Penal Code.

And

In the matter of: Abhijit Das @ Abhijit Roy @ Ganj

Mr. Anirban Banerjee
Mr. Dilip Roy

... for the petitioner

Mr. Abhijit Sarkar
Mr. Aniruddha Biswas

...for the State

Mr. Arijit Ghosh

.....for the de facto complainant.

1. The petitioner prays for grant of bail on the ground that he has been in custody for 503 days. Charge-sheet has been submitted and it is urged that further custodial interrogation is not required. It is also submitted that the medical report does not support the statement of the victim under Section 164 of the Code of Criminal Procedure.
2. Learned advocate for the State produces the C.D. and opposes the prayer for bail. He submits that the petitioner has committed a heinous offence. The incident was video graphed and the victim is being blackmailed.
3. Learned advocate for the de facto complainant also strongly objects to the prayer for bail. He submits that the victim is

handicapped and the prayer for bail of a co-accused has been rejected earlier.

4. Considering the medical report and prima facie non-detection of any injury or bleeding, this court is inclined to grant the prayer for bail. There is also no recovery of the videos or any other material to substantiate such allegation. These observations are prima facie and made only for the purpose of disposal of this application.
5. Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.25,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Additional Sessions Judge, 2nd Court, Jalpaiguri, subject to the condition that petitioner shall appear before the learned Trial Court on each and every date of hearing until further order and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future. The petitioner will not enter the jurisdiction of the police station within which the victim resides and he shall intimate the local police station, the address where he will now reside.
6. In the event the petitioner fails to comply with the conditions as stated hereinabove, the trial court shall be at liberty to cancel his bail in accordance with law, without further reference to this Court.
7. The application for bail is, thus, allowed and disposed of.

(Partha Sarathi Chatterjee, J.)

(Shampa Sarkar, J.)