

28.11.2024
Ct. No. 01
SL No. 19
Cp
(allowed)

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

CRM (DB) No. 578 of 2024

In Re: - An application for bail under Section 483 of the B.N.S.S. 2023 in connection with Coochbehar Sadar Women Police Station Case No. 158 of 2024, dated 23.08.2024 under Sections 329(4)/64/351(2)/49 of the B.N.S., 2023.

And

In the matter of: Manoj Barman

.....petitioner.

Mr. Subhasish Misra
Mr. Satyajit Paul
Mr. Abhijit Chanda
Ms. Keya Sarkar

... for the petitioner

Mr. Aditi Shankar Chakraborty
Dr. Arjun Chowdhury

...for the State

1. Despite being notified by the concerned Investigating Officer, none appears to represent the de facto complainant.
2. Learned advocate for the petitioner submits that both the petitioner and the victim are adults and the alleged incident which occurred was a consensual physical act. He submits that there is an inordinate delay in lodging the FIR. Charge-sheet has been submitted. The petitioner is in custody for 87 days. He submits that further detention of the petitioner will not serve any purpose.
3. Learned advocate for the State objects to the prayer for bail and produces the CD.

4. Heard the learned advocates of the respective parties. Perused the materials on record including the statement of the witnesses recorded under Section 164 of the Cr.P.C. corresponding to Section 183 of the B.N.S.S., 2023. There is a delay of about 5 months in lodging the FIR. Charge-sheet has also been submitted. Taking note of these facts, we are inclined to grant bail to the petitioner.
5. We direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of equal amount each, to the satisfaction of learned Chief Judicial Magistrate, Coochbehar, subject to the condition that the petitioner shall appear before the learned Trial Court on each and every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future.
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.)