

25.11.2024
SL No.90
s.biswas
(Allowed)

**Calcutta High Court
In The Circuit Bench at Jalpaiguri**

C.R.M. (DB) 586 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Bhaktinagar** P.S. Case No. **53 of 2024** dated **22.01.2024** under Sections **448/354/354C/376(2)(I)/376D/385/509/506/34** of the Indian Penal Code.

And

In the matter of: **Sanjoy Roy**

....Petitioner

Mr. Kumar Shantanu

Ms. Puja Chkraborty

...for the Petitioner

Mr. Kallol Acharjee

Mr. Tapan Bhattacharjee

...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 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 Cr.P.C. Hence, the prayer for bail may be granted.
2. Learned counsel appearing on behalf of the state has produced the case diary and has vehemently opposed the prayer for bail. He has submitted that the petitioner has committed a heinous offence. The incident was videographed.
3. The learned advocate for the de facto complainant strongly objects the prayer for bail indicating that the victim is

handicapped. He submits that the prayer for bail of the petitioner was rejected on an earlier occasion.

4. Considering the medical report and non-detection of any injury or bleeding, this court is inclined to grant bail to the petitioner. There is also no recovery of the videos. The observations are prima facie and made only for the purpose of disposal of this application.
5. Accordingly, 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 the Learned Additional Sessions Judge, 2nd Court, Jalpaiguri, subject to the condition that the petitioner shall appear before the learned trial court on 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. The petitioner shall not enter the jurisdiction of the police station within which the victim resides. He will intimate the local police station the address where he will be presently residing.
6. In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail of the petitioner without any further reference to this Court.
7. The application for bail is, thus, allowed.

(Partha Sarathi Chatterjee, J.)

(Shampa Sarkar, J.)