

27.11.2024
Ct. No. 01
SL No. 08
Cp
(allowed)

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

CRM (DB) No. 629 of 2024

In Re: - An application for bail under Section 483 of the B.N.S.S. 2023 in connection with Bagdogra Police Station Case No.425 of 2023, dated 29.08.2023, under Section 376D of the Indian Penal Code.

And

In the matter of: Nitin Toppo

Mr. Subham Ghosh
Mr. Mayank Roy

... for the petitioner

Mr. Abhijit Sarkar
Mr. Aniruddha Biswas

...for the State

1. Learned advocate for the petitioner prays for bail on the ground of parity with one Suraj Sobar. It is submitted that the co-accused was released on bail by a Coordinate Bench in CRM (DB) No. 545 of 2024. The charge is of gang rape. The petitioner has been in custody for around 455 days.
2. Learned advocate for the State opposes the prayer for bail. He hands over the medical report.
3. We are of the view that the petitioner should be released on bail on the ground of parity. There are 15 witnesses cited in the charge-sheet. We are also of the view that early conclusion of trial is not possible.
4. Thus, on the ground of parity and upon considering the medical report and lack of a chance for early conclusion of trial 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, one of whom must be local, to the satisfaction of learned Additional Sessions Judge, 1st Court at Siliguri, subject to the condition that the petitioner shall appear before the learned Trial Court on each and every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future. 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 in every fortnight until further orders.

5. 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.
6. The application for bail is, thus, allowed and disposed of.

(Partha Sarathi Chatterjee, J.)

(Shampa Sarkar, J.)