

03.12..2024
Ct. No. 01
SL No. 07
Cp
(allowed)

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

CRM (DB) No. 634 of 2024

In Re: - An application for bail under Section 483 of the B.N.S.S. 2023 in connection with Sessions Case No. 2 of 2024 arising out of Reang Police Station Case No. 71 of 2023, dated 16.10.2023, under Sections 376(2)(j) of the Indian Penal Code.

And

In the matter of: Ram Bahadur Bhujel

.....petitioner.

Mr. Nripen Das
Mr. Debanjan Das

... for the petitioner

Mr. Aditi Shankar Chakraborty, Ld. APP
Mr. Kallol Nag

...for the State

1. The State has produced the report indicating that the victim has been served. None appears despite service.
2. Learned advocate representing the petitioner prays for bail on the ground of prolonged detention and also on the ground of false implication. The petitioner is in custody for 415 days. Petitioner contends that the FIR was lodged almost six months after the alleged incident, when the victim was at her advanced stage of pregnancy. The charge-sheet was submitted without any DNA report. Later, supplementary charge-sheet was filed with the DNA report and the DNA of the accused did not match with the new born child.
3. Learned advocate for the State has produced the case diary and opposes the prayer for bail. He submits that the next date has been fixed for evidence of the victim.

4. Considering the above facts as also the number of days the petitioner is in custody, we are of the view that the trial cannot be concluded expeditiously. Under such circumstances, we are inclined to grant bail to the petitioner.
5. Accordingly, 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 Sessions Judge, Kalimpong, subject to the condition that the petitioner shall appear before the learned trial court on each and every date of hearing as may be fixed, until further orders of the said court and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future. The petitioner shall not enter into the jurisdiction of the Reang Police Station and shall furnish his present address where he shall henceforth reside to the local police station.
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.)