

03.12.2024
SL No.12
srm/Mujahid
(Allowed)

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

C.R.M. (DB) 664 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973/Section 483 of the B.N.S.S. 2023 filed on **29.11.2024** in connection with **Bagdogra** P.S. Case No. **425/2023** dated **29.08.2023** under Section 376D of the Indian Penal Code.

And

In the matter of: **Ankit Toppo**

....Petitioner

Mr. Mayank Roy

...for the petitioner

Mr. Nilay Chakraborty,
Mr. Tapan Bhattacharjee

...for the States

The petitioner prays for bail on the ground of parity with Suraj Sobar and Nitin Toppo. The petitioner is in custody for 462 days. The petitioner relies on two decisions of the coordinate Benches by which the other co-accused have already been released on bail.

Learned Additional Public Prosecutor has handed over the case diary and relies on the statement of the victim under Section 164, Cr.P.C. corresponding to Section 183, B.N.S.S.

We have perused the materials. The medical report does not, prima facie, advance the case of the prosecution. There is no chance of early conclusion of trial.

Considering the above aspects and on the ground of parity we are inclined to grant bail to the petitioner. The prayer for bail is allowed.

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, one of whom must be local, to the satisfaction of the learned Additional Sessions Judge, First Court, Siliguri. The petitioner will attend the learned trial court on the dates fixed. The petitioner shall not leave the territorial jurisdiction of the Court till the conclusion of trial. The petitioner shall not intimidate witnesses. 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 court. The petitioner shall meet the investigating officer of the concerned police station once in every fortnight until further orders.

In the event the petitioner fails to comply with the conditions as stated hereinbefore, it is open to the learned trial court to cancel the bail of the petitioner without any further reference to this Court.

The application for bail is, thus, allowed.

(Partha Sarathi Chatterjee, J.)

(Shampa Sarkar, J.)