

04.12.2024
SL No.40
s.biswas
(Allowed)

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

C.R.M. (DB) 673 of 2024

In Re: - An application for bail under Section 483 of the BNSS corresponding to Section 439 of the Cr.P.C. in connection with **NJP** P.S. Case No. **874/2024** dated **01.09.2024** under Sections **64(1)** of the BNS.

And

In the matter of: **Bimal Sen**

....Petitioner

Mr. Hillol Saha Podder
Ms. Mousumi Das

...for the Petitioner

Mr. Aditi Shankar Chakraborty, APP
Ms. Namrata Das

...for the State

Mr. Sudhindra Das

... for the de facto complainant

1. The petitioner is in custody for 96 days. The petitioner prays for grant of bail on the ground that investigation is complete and charge-sheet has been filed.
2. The de facto complainant is present through the learned advocate and submits that the complaint was lodged on being pressurized by her husband. There was a pre-existing civil dispute.
3. Learned counsel appearing on behalf of the state produces the case diary and opposes the prayer for bail.
4. We have gone through materials in the case diary. We have also gone through the medical report which does not prima facie lend any support to the prosecution case. The

investigation is complete and charge-sheet has been submitted. 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, one of whom must be local, to the satisfaction of the Learned Special Court under POCSO Act, Jalpaiguri, 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 offence in future. The petitioner shall not leave the jurisdiction of the trial court until further orders. The petitioner shall not enter the jurisdiction of New Jalpaiguri Police Station until further orders.
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.)