

13.05.2025

32

jb.

jdt.

Allowed

C.R.M. (DB) 989 of 2025

In Re : An Application under Section 439 of the Code of Criminal Procedure/under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Habra Police Station Case No. 589 of 2024 dated 12.10.2024 under Sections 85/103(1)/238/61(2) of the Bharatiya Nyaya Sanhita.

And

In Re : Jayanta Biswas Petitioner

Mr. Debasis Kar

... For the Petitioner.

Z. N. Khan

Ms. Sujata Das

... For the State.

The petitioner is in custody for about 7 months and seeks parity with the co-accused husband of the victim who has been granted bail earlier.

Learned counsel for the State opposes the prayer.

The victim lodged complaint against the petitioner alleging rape. The petitioner and the husband of the victim jointly pressurised the victim to withdraw the said case. Unable to bear such pressure, the victim allegedly committed suicide. A separate case is pending against the petitioner for the offence alleged.

I have considered the material on record.

Whether the conduct of the petitioner can be termed as the proximate cause for commission of suicide by the victim shall be assessed at the appropriate stage of the proceeding.

Considering the material on record as well as the extent of complicity of the petitioner in the alleged offence, prayer for bail is allowed.

The petitioner namely Jayanta Biswas shall be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Barasat. North 24 Parganas subject to condition that he shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court and shall not tamper with evidence or intimidate witnesses in any manner whatsoever.

In the event the petitioner fails to appear before the learned trial Court on any date fixed for hearing without any justifiable cause, the learned trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is disposed of.

Case diary be returned.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)