

11.06.2025

38

jb.

jdt.

Allowed

C.R.M. (M) 444 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 Burtolla Police Station Case No. 20 dated 03.02.2025 under Sections 120B/313/417/376/506 of the Indian Penal Code.

And

In Re : Sachin Kumar Sonkar

Mr. Debabrata Acharyya

Mr. Sital Samanta

... For the Petitioner.

Mr. Bidyut Kr.Roy

Mr. Soumya Basu Roychowdhuri

... For the State.

Affidavit of service filed on behalf of the petitioner is taken on record.

The victim is not represented despite service.

Heard learned counsels for the parties.

Learned counsel for the petitioner submits that the petitioner is in custody for about 4 months. Charge sheet has been submitted. There was relationship between the petitioner and the victim for about 4 years. Victim is a major. The petitioner prays for bail.

Learned counsel for the State opposes the prayer.

This is a case of consensual relationship between two majors which turned sour subsequently. Though there is allegation under Section 313 of the Indian Penal Code against the petitioner, there is no document to *prima facie* substantiate the same. Investigation has culminated in

submission of charge sheet. The petitioner is in custody for more than 4 months. His further detention is not required for the purpose of custodial interrogation.

Accordingly, the prayer for bail is allowed.

The petitioner namely Sachin Kumar Sonkar 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 Additional Chief Judicial Magistrate, Calcutta 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.)

