

05.06.2025
Item No.5
Court No.6
rrc/ss
(Allowed)

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

C.R.M.(M) 537 of 2025

In re : An Application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Belpahari Police Station Case No.67 of 2024 dated 27.09.2024 under sections 70(1)/351(3)/238(b) of Bharatiya Nyaya Sanhita, 2023 and subsequently charge-sheet submitted on 12.11.2024 being Charge-sheet No.79 of 2024 dated 12.11.2024 under Sections 70(1)/351(3)/238(b) of the Bharatiya Nyaya Sanhita, 2023.

-And-

In the matter of : Susanta Murmu

... Petitioner

Mr. Angshuman Chakraborty
Mr. Amanul Islam
Mr. Sourav Mukherjee

...for the petitioner

Mr. Saibal Bapuli
Ms. Sima Biswas

... for the State

Let affidavit of service filed by the petitioner be taken on record.

Let service report filed by the State be taken on record.

Learned Advocate for the petitioner and the learned Advocate for the State are present.

Heard learned Advocates for the parties.

Perused the case diary and the materials on record.

Learned Advocate for the petitioner submits that although his client is not involved but he is falsely implicated. Learned Advocate for the petitioner further submits that F.I.R. has been lodged two months after the date of incident. Learned Advocate

further submits that the victim girl/*de facto* complainant has already been examined and there is no chance of tampering the witnesses if the petitioner is released on bail.

Learned Advocate for the State objects such prayer for bail and submits that the deposition should be produced.

Upon perusing the materials in the case diary mainly statement made under Section 164 Cr.P.C. by the victim girl/*de facto* complainant, it appears that the victim girl/*de facto* complainant made her physical relationship with another co-accused although the victim girl has also named the petitioner of his presence. Upon further perusal of the seizure list and the statement made under Section 161 Cr.P.C. and the nature of involvement of the petitioner compared to other co-accused person where the *de facto* complainant/victim girl has specified the name of another co-accused having physical relationship with such person, this Court is of the view that considering the period of detention which is also nine months and considering the statement made under Section 164 Cr.P.C. and the fact that medical examination was refused and the case involves examination of 33 witnesses, which will take a considerable period, for the interest of justice, the petitioner should be granted bail.

Thus, I allow the prayer for bail made by the petitioner.

The petitioner be released on bail upon furnishing a bond of Rs.10,000/- (Rupees ten thousand), with two sureties of like amount each, one of whom must be a local, to the satisfaction of the learned Additional District and Sessions Judge, 1st Court,

Jhargram. The petitioner upon release shall meet with the Officer-in-Charge of concerned Police Station twice a week and shall not enter into the locality where the victim girl resides without leave of the learned Magistrate or of the learned trial Court and shall appear before the trial court on each and every day of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973/Section 355 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall not meet the *de facto* complainant or the persons acquainted with the facts of the case.

In the event the petitioner fails to comply with any of the conditions as stated above, the learned Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

Accordingly, the application for bail is disposed of.

(Biswaroop Chowdhury, J.)