

18.02.2025
Court No.01
rpan/27

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

CRM (DB) 76 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Jorebunglow Police Station Case no. 43 of 2023 dated 22.10.2023 under Section 302 of the Indian Penal Code (Chargesheet no.07 of 2024 dated 16.01.2024 under Section 304 of the Indian Penal Code);

And

In Re : **Anup Rai**

- Petitioner

Mr. Arnab Saha,
Md. Shoaib Akhtar
... for the petitioner.
Mr. Ujjwal Luksom,
Mr. Sourav Ganguly
... for the State.

1. It is said on behalf of the accused petitioner that this accused petitioner is in custody for 460 days. Investigation process is over. Evidence taking process has started before the trial court. Our attention is drawn to the deposition of P.W.1, who is the *de facto* complainant of the case. It is said that no purpose will be served by detaining the accused petitioner behind the bar any further. This accused petitioner may be enlarged on bail on the ground of long incarceration.
2. The learned advocate for the State raises objection by submitting that the offence involved in this case is serious in nature and the trial has already been commenced. So, he prays for rejection of the prayer for bail of the accused petitioner.
3. We have considered the rival submissions advanced by the parties and consulted the materials gathered in the case diary.

4. It appears that the investigation process is over and after framing of charge, trial has commenced. Keeping in mind the long detention of the accused petitioner behind the bar and after going through the materials placed before us, we are inclined to enlarge the accused petitioner on bail.

5. Accordingly, the accused petitioner, namely, **Anup Rai** be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local to the satisfaction of the learned Chief Judicial Magistrate, Darjeeling subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not induce witnesses or tamper with evidence in any manner whatsoever.

6. It is made clear that in the event the petitioner fails to comply with any of the aforesaid directions, without justifiable cause, the learned Court below shall be at liberty to cancel his bail without any further reference to this Court.

7. The application for bail, being CRM (DB) 76 of 2025 is, accordingly, disposed of.

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

(Prasenjit Biswas, J.)

(Tapabrata Chakraborty, J.)