

08.04.2025
Item no. 26.
Court No.4.
AB
(Allowed)

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

CRM (DB) 104 of 2025

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Rajganj Police Station Case No.418 of 2024 Dated 01.12.2024 under Section 64(2)(K) of B.N.S. 2023

And

**In the matter of : Netai Basak @ Nitu Basak
.....Petitioner.**

Mr. Sandeep Dutta,
Mr. Anirban Banerjeefor the Petitioner.

Mr. A. S. Chakraborty, Id. APP
Dr. Arjun Chowdhuryfor the State.

Mr. Debajit Kundu,
Ms. Rajyashree Ghosh....for the Defacto complainant.

1. Learned Advocate for the petitioner, learned Advocate for the Opposite Party/State of West Bengal and learned Advocate for the defacto complainant are present.
2. Heard learned Advocates for the parties.
3. Perused the materials in the case diary.
4. Learned Advocate for the petitioner submits that the petitioner is falsely implicated in the instant case and the medical examination report does not corroborate the case of the prosecution. Learned Advocate submits that his client is in custody for about 85 days and as the

charge sheet has been filed, the prayer for bail made by the petitioner be considered.

5. Learned Additional Public Prosecutor appearing for the State submits that there are materials against the petitioner, and the victim although mentally stable, is physically handicapped. Learned APP draws attention to the materials in the case diary.
6. Upon perusal of the medical examination report, it appears that there is no apparent injury mark in any part of the body. It further appears that the wearing apparels were not seized by the Investigating Authority.
7. Upon perusal of the statement recorded under Section 164 Cr.P.C. and other materials available in the case diary, although it would not be proper to make any observation with regard to the merits of the case, but in order to decide as to whether the accused petitioner should be granted bail, it is necessary to consider judicial pronouncements where it is laid down that the factors to be taken into consideration while granting bail is the nature and severity of the offence, the evidence as appearing, the chance of abscondance, if released on bail, and repetition of the offence and tampering of witnesses.
8. Upon considering the nature of offence, although it is a serious offence, but considering the materials in the case diary and the period of detention of the petitioner

and the fact that there is no reasonable apprehension of the petitioner to abscond or tamper with evidence, in the interest of justice, the petitioner should be granted bail.

9. Thus, the prayer for bail made by the petitioner is allowed.
10. Accordingly, the petitioner, namely **NETAI BASAK @ NITU BASAK** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of Rs.5,000/- each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Jalpaiguri, and on further conditions that the petitioner upon being released on bail shall report to the Officer-in-Charge of the concerned police station within whose jurisdiction he will be residing twice in a week until further orders and shall not meet the defacto complainant and the persons acquainted with the facts of the case and shall not enter into the jurisdiction of Rajganj Police Station and shall not leave the jurisdiction of the learned Trial Court until further orders. The petitioner shall give his mobile phone number to the Investigating Officer.
11. The petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence and/or commit any cognizable offence in any manner whatsoever.

12. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.
13. The application for bail is, accordingly, allowed.
14. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Biswaroop Chowdhury, J.)