

21.02.2025
Court No.01
rpan / 13

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

CRM (DB) 107 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Women Police Station, Cooch Behar Case no. 162 of 2024 dated 26.08.2024 under Sections 65(2)/351(2) of the Bharatiya Nyay Sanhita, 2023 read with Section 6 of the Protection of Children from Sexual Offences Act,;

And

In Re : **Fulbar Miah @ Phulbar Miya**

- Petitioner

Mr. Arnab Sengupta,
Mr. Mirnay Dutta,
Mr. Rajat Chandra Singha
... for the Petitioner.

Mr. Nilay Chakraborty, Ld. APP
Mr. Kallol Nag
... for the State.

Mr. Druti Roy
... for the *de facto*/victim girl.

1. Affidavit-of-service, as filed, be kept on record.
2. Learned advocate appearing on behalf of the petitioner submits that this accused petitioner is in custody for 179 days. All the allegations as made in the written complaint are false, fabricated and manufactured one. There is a long standing dispute involving properties in between the family members of the petitioner and the complainant and out of grudge he has been falsely arrayed with the crime. After framing of charge by the Trial Court the trial has already commenced. Our attention is drawn to the depositions of the victim and the *de facto* complainant. It is said that from the said depositions it would be revealed that this accused petitioner is no way connected in the

alleged crime and it raises a grave doubt and cloud of suspicion over the genuineness of such allegation. No purpose will be served by detaining this accused petitioner behind the bar further. This accused petitioner may be enlarged on bail on any stringent condition.

3. Learned advocate for the State raises objection by submitting that the offence involved in this case is serious in nature. Trial has already been commenced and if at this stage this accused petitioner is enlarged on bail then there is every chance to tamper the evidences or he may influence upon the witnesses directly or indirectly who are acquainted with the facts of the case.
4. Perused the materials on record.
5. We have gone through the statement of the victim, recorded under Section 183 of the BNSS as well as the medical documents. We have also considered the depositions of the victim and the *de facto* complainant in connection with this case. Keeping in mind the extent of his complicity in the crime and after taking into consideration that the trial is going on we are not inclined to enlarge this accused petitioner on bail.
6. In view thereof, the application for bail, being CRM (DB) 107 of 2025 is rejected at this stage.
7. 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.)