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01-04-2025
(ct. no.04)
S. De
(Allowed)

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

CRM (DB) 124 of 2025

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure as amended under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Bagdogra Police Station Case No. 48 of 2024** dated **30.01.2024** under **Section 376D** of the Indian Penal Code, 1860.

And

In the matter of : Arbin Beck @ Guddu Beg. ...Petitioner.

Mr. Hillol Saha Podder,
Ms. Mousumi Das,for the Petitioner.

Mr. Ujjwal Luksom,
Ms. Namrata Das,for the State.

1. Learned advocate for the petitioner and learned advocate for the opposite party/State of West Bengal are present.
2. Heard learned advocates for the parties.
3. Perused the materials in the case diary.
4. None appeared for the de facto complainant.
5. Pursuant to the order dated March 12, 2025, passed by the this Court seeking a report as to why the charge was not framed against the accused persons, the learned Trial Court was pleased to frame charge against the accused persons fixing the date for evidence on May 3, 2025. As the charge is already framed, the point for consideration is whether the petitioner should be enlarged on bail. Learned advocate for the petitioner submits that his client is in custody for more than a year and the trial has not started and the observation

in the chartgesheet will go to show that medical examination does not disclose commission of the offence.

6. Mr. Lukson, learned advocate appearing for the opposite party submits that the statement made by the victim girl will show that the accused persons are involved in the offence.
7. Upon perusal of the statement under Section 164 Cr.P.C. (Section 183 B.N.S.S.), it appears that the main allegation is against the co-accused Bishnu Minj. Upon perusal of the medical report, the statement under Section 164 Cr.P.C. and other materials in the case diary, although it would not be proper to make any observation with regard to the merits of the case, but it is necessary to decide whether the petitioner should be enlarged on bail.
8. The Hon'ble Supreme Court and different High Courts in different cases observed that while considering the bail application, the nature of offence severity of the punishment in case of conviction, danger of absconsion or repeating of similar offence in case of being released on bail should be considered while considering the prayer for bail. The offence alleged against the petitioner, although is a very serious one but as the petitioner is in custody for more than one year and there is no reasonable apprehension of absconsion or repeating such offence, the petitioner accused person should be granted a reasonable opportunity to remain on bail.
9. I, therefore, allow the prayer for bail made by the accused person.

10. Accordingly, I direct that the petitioner, namely **Arbin Beck @ Guddu Beg** shall 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 Additional Sessions Judge, 1st Court, Siliguri, and on further conditions that he shall not leave the jurisdiction of the concerned Police Station until further orders and shall meet the Officer-in-Charge of the concerned police station once in a fortnight until further orders.
11. We make it clear that our observations are only in the bail application and will not affect the trial of the case.
12. 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 in any manner whatsoever.
13. 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.
14. The application for bail is, accordingly, allowed.
15. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Biswaroop Chowdhury, J.)