

12
11-04-2025
(ct. no. 4)
KOLE
Allowed

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

CRM (DB) 138 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Dhupguri Police Station** Case No. **477 of 2024** dated **05.12.2024** under Sections **329(4)/64/351(3)** of the BNSS.

- A n d -

In the matter of : Prakash Sarkar

.... Petitioner.

Mr. Biswarup Roy,
Ms. Supriya Debnath,

... For the Petitioner.

Mr. Ujjwal Luksom,
Ms. Namrata Das,

... For the State.

1. Learned Advocate for the petitioner and learned State Advocate are present.
2. None appears for the defacto complainant.
3. Heard Learned Counsel for the parties. Perused the materials in the case diary.
4. Learned Advocate for the petitioner submits that there was a love relationship between the petitioner and the defacto complainant and the petitioner has been falsely implicated in the instant case. He further submits that the petitioner is in custody for about 125 days and as the investigation is complete, the prayer for bail made by the petitioner be considered.
5. Learned State Advocate opposes the bail prayer.
6. Upon perusal of the medical examination report, statement under Section 164 of the Code of Criminal Procedure and the statement under FIR, although it would not be proper to make any

observation with regard to the merits of the case but it is necessary to decide as to whether the petitioner should be granted bail.

7. In order to decide as to whether the bail should be granted, it is necessary to consider the nature of offence, the severity of the punishment if convicted and the apprehension to abscond if released on bail.

8. Although the allegation against the petitioner is serious but upon considering the materials in the case diary and considering the period of detention and the fact that the charge sheet has already been submitted, this court is of the view that further detention of the petitioner is not required and in the interest of justice petitioner should be granted bail.

9. I, therefore, allow the prayer for bail made by the petitioner.

10. Accordingly, I direct that the petitioner, namely, **Prakash Sarkar**, 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 Trial Court subject to condition that he shall appear before the trial court on every date of substantive hearing subject to the provisions of Section 317 of Cr. P.C., 1973/Section 355 of the BNSS, 2023 and shall not intimidate the witnesses and shall not tamper evidence in any manner whatsoever. The petitioner shall not leave the jurisdiction of the learned Trial Court and shall meet the O.C./I.C. of the said police station once in a week and shall not meet the defacto complainant and the persons acquainted with the facts of the case.

11. 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.

12. The application for bail is, accordingly, allowed.

13. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Biswaroop Chowdhury, J.)