

17.
01-04-2025
(ct. no.04)
S. De
(Allowed)

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

CRM (DB) 153 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. 425 of 2023** dated **29.08.2023** under **Section 376D** of the Indian Penal Code, 1860.

And

In the matter of : Atish Ekka @ Atish Kr. Ekka. ...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. None appears for the de facto complainant, in spite of service.
3. Perused the materials in the case diary.
4. Learned advocate for the petitioner submits that all accused persons are on bail and the prayer for bail made by the petitioner be considered.
5. Learned advocate for the opposite party objects the prayer for bail.
6. Upon perusal of the statement made under Section 164 Cr.P.C., it appears that the victim girl had relation with the present petitioner including physical relationship. So far the allegations against the other accused persons are concerned, they are enlarged on bail.

7. Upon considering the nature of allegations from the material in the case diary against the petitioner as well as other accused persons, this Court is of the view that as the investigation is complete and the co-accused persons are on bail, in the interest of justice, the petitioner should be granted an opportunity to remain on bail.
8. I, therefore, allow the prayer for bail made by the accused person.
9. Accordingly, I direct that the petitioner, namely **Atish Ekka @ Atish Kr. Ekka** 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 Chief Judicial Magistrate, 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.
10. We make it clear that our observations are only in the bail application and will not affect the trial of the case.
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 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.)