

04.04.2025
Item no. 4.
Court No.4.
AB
(Allowed)

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

CRM (DB) 157 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 Phansidewa Police Station Case No.223 of 2024 Dated 17.06.2024 under Section 376D of the Indian Penal Code

And

In the matter of : Awit Ekka

.....Petitioner.

Mr. Subham Ghosh,
Mr. Mayank Royfor the Petitioner.

Mr. A. S. Chakraborty, ld. APP
Mr. Tapan Bhattacharjee.....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. Learned Advocate for the petitioner submits that his client has been falsely implicated in the instant case. The statement made by the defacto complainant / victim under Section 164 Cr.P.C. and first information report are contradictory.
5. Learned Advocate submits that one of the co-accused persons, who is alleged to be the boyfriend of the victim,

has committed suicide and it appears from record that the other accused person is a CCL.

6. Learned Advocate further submits that his client is in custody for about 290 days and his prayer for bail be considered.
7. Learned Advocate for the Opposite Party/State of West Bengal relies upon the materials in the case diary and objects the grant of bail.
8. Upon perusal of the first information report and the statement made under Section 164 Cr.P.C. there appears to be some contradictions.
9. Upon further perusal of the medical examination report and other materials available in the case diary, although it would not be proper to make further observations with regard to the facts of the case, but it is necessary to decide as to whether the petitioner should be granted bail.
10. 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.

11. Upon considering the nature of offence, although it is a serious offence, but considering the period of detention and the fact that investigation is complete and date is fixed for framing of charge and that the age of the petitioner is 19 years, as there is no reasonable apprehension to abscond, in the interest of justice, the petitioner should be granted bail.
12. Thus, the prayer for bail made by the petitioner is allowed.
13. Accordingly, the petitioner, namely **AWIT EKKA** 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 Trial Court, and on further conditions that the petitioner upon being released on bail shall report to the Officer-in-Charge of the concerned police station twice in a week until further orders and shall not meet the victim girl and the persons acquainted with the facts of the case and shall not enter the locality where the victim girl resides and shall not leave the jurisdiction of the learned Trial Court until further orders.
14. 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.

15. 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.
16. The application for bail is, accordingly, allowed.
17. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Biswaroop Chowdhury, J.)