

39. 04.04.2025
Court
No.4 (Tanmoy)

Allowed

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE
CRM (DB) 199 of 2025**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Pradhan Nagar** Police Station Case No.**188/2025** dated **17.3.2025** under Sections **69/351(2)(3)** of Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: - **Sri Purna Kumar Subba**

...petitioner.

Mr. Rajdeep Majumder, Sr. Adv. (VC)
Mr. Avrojoyti Das
Mr. Pritam Roy
Mr. Divas Rai
Mr. R. Lama
Ms. Triparna Roy
Mr. Soumyajit Ghosh

...for the petitioner.

Mr. Nilay Chakraborty, APP
Mr. Sagnik Sankar Sikdar

...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 Counsel for the parties. Perused the materials in the case diary.
3. Learned Advocate for the petitioner submits that the allegations made against his client under Section 69 of Bhayatiya Nyaya Sanhita (BNS), 2023, are not applicable as because all along the petitioner disclosed his identity to the *de facto* complainant and there was no question of suppression of identity. Learned Advocate further submits that his client has been implicated in this case pursuant to a civil suit being filed against the *de facto*

complainant on March 18, 2025. Learned Advocate also draws attention to the copy of the plaint regarding the civil suit filed against the *de facto* complainant.

4. Learned Advocate for the State opposes the bail prayer.
5. Upon perusal of the statement recorded under Section 164 of the Criminal Procedure Code, 1973 (Section 183 of Bharatiya Nagarik Suraksha Sanhita, 2023) and the medical examination report and upon hearing learned Counsel for the parties and upon perusing the materials in the case diary although it would not be reasonable to make any observation with regard to the merits of the case but considering the fact that the petitioner is in custody for two weeks and investigation has progressed to certain extent, this Court is of the view that no fruitful purpose will be served by keeping the petitioner in custody. I, therefore, allow the prayer for bail made by the petitioner.
6. Accordingly, it is ORDERED that the petitioner, namely, **Sri Purna Kumar Subba**, shall be released on bail, upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of Rs.5,000/- (Rupees Five Thousand) each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Siliguri, Darjeeling, subject to condition that the petitioner shall appear before the Trial Court in the event charge-sheet is submitted on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not

intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioner, while on bail, shall meet the Inspector-in-Charge/Officer-in-Charge of the concerned Police Station once in a week and shall not meet the persons acquainted with the facts of the case and shall not enter the local jurisdiction where the *de facto* complainant resides.

7. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, his bail shall stand automatically cancelled without further reference to this Court.
8. The application for bail being CRM (DB) 199 of 2025 is accordingly disposed of.
9. Criminal Section is directed to supply urgent photostat certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

(Biswaroop Chowdhury, J.)