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

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

CRM (DB) 200 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 Cooch Behar **Kotwali Police Station** Case No. **1088 of 2024** dated **26.10.2024** under Sections **85/80/3** of the BNSS.

- A n d -

In the matter of : Sushanta Barman @ Susanta

.... Petitioner.

Mr. Hillol Saha Poddar,

... 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. Heard Learned Counsel for the parties. Perused the materials in the case diary.
3. Learned Advocate for the petitioner submits that the petitioner is in custody for about 164 days and as other co-accused persons are on bail, on the ground of parity, the bail prayer of the present petitioner be considered.
4. Learned State Advocate opposes the bail prayer and refers to the materials in the case diary.
5. Upon perusing the statement of the complainant it appears that the victim was tortured by the accused persons.

However, there is no specific allegation against this petitioner and there is a general allegation along with other co-accused persons.

6. As the other co-accused persons are on bail, this court is of the view that considering the period of detention and the fact that investigation is complete and as there is no reasonable apprehension to abscond, the petitioner should be released on bail.

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

8. Accordingly, I direct that the petitioner, namely, **Sushanta Barman @ Susanta**, 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 C.J.M, Cooch Behar 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 or 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 concerned police station once in a week and shall not meet the witnesses and the persons acquainted with the facts of the case.

9. 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.

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

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

(Biswaroop Chowdhury, J.)