

37. 03.04.2025
Court
No.4 (Tanmoy)

Allowed

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE
CRM (DB) 205 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 **Bhaktinagar** Police Station Case No.**53/2025** dated **16.01.2025** under Sections **85/103(1)/49** of Bharatiya Nyaya Sanhita, 2023, corresponding to Sections 498A/302/109 of IPC, 1860.

And

In the matter of: - **Dipak Das**

...petitioner.

Mr. Saikat Chatterjee
Ms. Purbasha Sarkar
Mr. Karan Pawan

...for the petitioner.

Mr. Ujjwal Luksom
Mr. Chattu Roy

...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 case was initiated against all the accused persons under Sections 85/103 of Bharatiya Nyaya Sanhita (BNS), 2023. Thereafter, charge-sheet was submitted against all the accused persons under Sections 80/85 of BNS, 2023. Learned Advocate for the petitioner further submits that his client is in custody for 64 days and the other accused persons, against whom similar allegations are made, have been granted anticipatory bail.

4. Upon hearing learned Counsel for the parties and upon perusing the materials in the case diary it appears that in the statement recorded under Section 164 of the Criminal Procedure Code, 1973 (Section 183 of Bharatiya Nagarik Suraksha Sanhita, 2023) the *de facto* complainant stated that the victim committed suicide.
5. Upon considering the fact that the other co-accused persons against whom similar allegations are made, are granted anticipatory bail and considering the period of detention of the petitioner and the fact that investigation is complete, this Court is of the view that there is no reasonable apprehension to abscond or to repeat the offence, in the interest of justice the petitioner should be released on bail. I, therefore, allow the prayer for bail made by the petitioner.
6. Accordingly, it is ORDERED that the petitioner, namely, **Dipak Das**, shall be released on bail, upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Jalpaiguri, subject to condition that the petitioner shall appear before the Trial Court 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 not leave the jurisdiction of the learned Trial Court until further orders and shall not meet the persons acquainted with the facts of the case and shall not commit any act prejudicial for the trial.

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) 205 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.)