

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

16.06.2025.
Sl. No. 4
Ct.No. 4.
sdas
(Allowed)

C.R.M. (M) 100 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 in connection with Boxirhat P.S.
Case No.138 of 2025 dated 05.04.2025 under Sections
69/351(2)(3)/115(2)/3(5) of Bharatiya Nyaya Sanhita, 2023
corresponding to G.R. Case No.286 of 2025.

In the matter of : Ajoy Bariya

.... Petitioner.

Mr. Sudip Guha.

...for the Petitioner.

Mr. Nilay Chakraborty, Ld. A.P.P.,
Mr. Tapan Bhattacharjee

...for the State.

This application has been preferred under Section 483 of
Bharatiya Nagarik Suraksha Sanhita, 2023 (in short, BNSS) in
connection with Boxirhat P.S. Case No.138 of 2025 dated 05.04.2025
under Sections 69/351(2)(3)/115(2)/3(5) of Bharatiya Nyaya Sanhita,
2023 (in short, BNS) corresponding to G.R. Case No.286 of 2025.

Mr. Guha, the learned advocate appearing for the
petitioner, submits that the victim is a major and a married woman. It
is further submitted that a love affair had developed between the
victim and the petitioner. However, their relationship subsequently
became strained, and with a view to wreak personal vengeance, the
present case has been initiated. He also submits that the charge sheet
has already been filed. He informs the Court that there was a delay in
lodging the First Information Report, which has not been explained by

the complainant. Accordingly, he prays that the petitioner be granted bail.

Mr. Chakraborty, learned Additional Public Prosecutor, produces the case diary. Based on the materials available in the case diary, he opposes the prayer for bail. He submits that the victim, at the time of making a statement under Section 483 of the BNSS, presented substantive and direct evidence against the petitioner.

Heard the learned advocates appearing for the respective parties and perused the materials on record, including the case diary.

Admittedly, the charge-sheet has been submitted. The present petitioner has been in custody since 5th April, 2025. There is no likelihood of an early conclusion of the trial.

Therefore, taking note of these facts and considering the role attributed to the present petitioner, I am of the view that the continued detention of the petitioner will not serve any purpose.

In view of the above, the petitioner shall be released on bail of Rs. 10,000/-, with two sureties of Rs. 5,000/- each, to the satisfaction of the learned Additional Chief Judicial Magistrate, Tufanganj, Cooch Behar, subject to the condition that he shall appear before the trial court on every date of hearing until further orders, and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law, without further reference to this Court.

This application for bail is, thus, disposed of.

(Partha Sarathi Chatterjee, J.)