

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri**

**16.06.2025.
09.
Ct.No.04.
as
(Allowed)**

C.R.M. (M) 127 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Mathabhanga P.S. Case No.74 of 2025 dated 01.02.2025 under Section 64 of the Bharatiya Nyaya Sanhita, 2023 corresponding to Sessions Case No.40 of 2025.

In the matter of : ***Goutam Sarkar.***

.... Petitioner.

Mr. Subhasish Misra,
Mr. Satyajit Paul,
Ms. Shreya Sarkar.

...for the Petitioner.

Mr. Ujjwal Luksom,
Ms. Namrata Das.

...for the State.

1. This application has been preferred under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (in short, BNSS) in connection with Mathabhanga P.S. Case No.74 of 2025 dated 01.02.2025 under Section 64 of the Bharatiya Nyaya Sanhita, 2023 corresponding to Sessions Case No.40 of 2025.

2. Mr. Misra, the learned advocate appearing on behalf of the petitioner, submits that there is delay of 180 days in lodging the First Information Report (FIR). He claims that the delay has not been explained at all. He submits that the evidence collected from the petitioner suggests that there was a consensual relationship. He submits that charge sheet has been submitted and trial is going on and the examination of the victim is over. Victim has denied her medical examination. He prays for bail of the present petitioner.

3. Mr. Luksom, learned advocate representing the State, produces the case diary. Based on the materials available in the case diary, he opposes the prayer for bail.

4. Heard the learned Advocates appearing for the respective parties and perused the materials on record, case diary including the statement of the victim recorded under Section 183 of BNSS, 2023.

5. In the present case, the charge sheet has been submitted. As submitted by the learned counsel for the petitioner, the examination of the victim has been completed. Taking note of these facts, I am of the considered opinion that the continued detention of the petitioner will not serve any useful purpose.

6. Accordingly, the petitioner, viz., **Goutam Sarkar** may find bail of Rs. 5,000/-, with two sureties of Rs. 2,500/- each, one of which must be local to the satisfaction of the learned Additional Chief Judicial Magistrate, Mathabhanga, Cooch Behar, subject to the condition that the petitioner shall not leave the jurisdiction of the learned Trial Court without leave of the Court and shall appear before the trial court on every date of hearing unless their attendance is dispensed with in accordance with law and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

7. 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.

8. This application for bail is, thus, disposed of.

(Partha Sarathi Chatterjee, J.)

