

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

**20.06.2025.
06.
Ct.No.04
as
(Allowed)**

C.R.M. (M) 153 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection Sitalkuchi P.S. Case No.332 of 2014 dated 26.11.2014 under Sections 448/376/506/406/354/323/109 of the Indian Penal Code corresponding to Sessions Case No.20 of 2024.

In the matter of : ***Shambhu Barman.***

... Petitioner.

Mr. Subhasish Misra,
Mr. Satyajit Paul.

...for the Petitioner.

Mr. Saikat Chatterjee,
Mr. Chattu Roy.

...for the State.

1. This is an application presented by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (in short, BNSS) in connection with Sitalkuchi P.S. Case No.332 of 2014 dated 26.11.2014 under Sections 448/376/506/406/354/323/109 of the Indian Penal Code corresponding to Sessions Case No.20 of 2024.

2. Mr. Misra, the learned counsel appearing on behalf of the petitioner, submits that a romantic relationship had developed between the petitioner and the victim, and that they had even begun living together as a couple. However, over time, their relationship became strained, culminating in a dispute. It is this dispute, he submits, that has led to the registration of the present case, wherein the petitioner stands accused of attempting to commit rape upon the victim. Mr. Misra further submits that the charge sheet has already

been filed, and accordingly, he prays that the petitioner be released on bail.

3. Mr. Chatterjee, the learned advocate representing the State, produces the case diary. Relying on the materials available therein, he vehemently opposes the petitioner's prayer for bail.

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

5. It is an admitted position that the charge sheet has already been submitted. Taking note of this fact, and upon perusal of the statements of the witnesses recorded under Section 161 of the Code of Criminal Procedure as well as the statement of the victim recorded under Section 164 of the Code of Criminal Procedure, and considering the nature and extent of the petitioner's alleged complicity in the offence, I am of the view that continued detention of the petitioner will not serve any useful purpose.

6. Therefore, I am inclined to grant bail to the petitioner.

7. In view of the above, the petitioner, viz., **Shambhu Barman**, may find bail of Rs. 10,000/-, with two sureties of Rs. 5,000/- each, to the satisfaction of the learned Additional Chief Judicial Magistrate, Mathabanga, 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.

8. 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.

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

(Partha Sarathi Chatterjee, J.)