

July 10, 2025

2 ARDR
(Allowed)

**IN THE HIGH COURT AT CALCUTTA
IN THE CIRCUIT BENCH AT JALPAIGURI**

C.R.M. (M) 165 of 2025

In Re : An Application for bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 in connection with **Kumargram**
Police Station Case No. **121** of **2010** dated **6/6/2010** under
Sections **498A/302/304** of the Indian Penal Code.

And

In Re : **Partha Protim Choudhury @ Partha Pratim Chowdhury**
... Petitioner

Ms. Esha Acharya,
Mr. Rimik Chakraborty,
Mr. Sampad Das,

... for the Petitioner.

Mr. Aditi Shankar Chakrabarty,
Mr. Subhasish Misra,

... For the State.

This is an application for bail.

The State is represented.

It is submitted on behalf of the learned advocate for the
petitioner that the petitioner was enlarged on bail by an order
dated September 6, 2010. Since then he has been regularly
appearing before the learned trial Court. However, on May 8, 2025
the petitioner could not attend the trial Court for which warrant of
arrest was issued against him. Subsequently, he was arrested on
the strength of warrant of arrest and has been in custody for the
last forty-nine days. Learned advocate for the petitioner prays for
bail.

Learned advocate for the State submits that the case is pretty
old being a case of 2010. He draws the attention of an observation
made by the Court on May 8, 2025 to the effect that the trial of the
instant case was pending for more than ten years. On such score,

learned advocate for the State submits that the petitioner is not entitled for bail.

Having heard the learned advocates for the parties and on consideration of the materials placed before me, it transpires that the petitioner was enlarged on bail far back in the year 2010 and since then there is no complaint on record as against the petitioner with regard to misuse of the privilege of bail.

It is one off occasion on May 8, 2025 when the petitioner failed to appear before the learned trial Court and on that very date the warrant of arrest was issued against him. He has been in custody for forty-nine days. He has sufficiently suffered for his non-appearance on such date.

Under such circumstances, the petitioner may be enlarged on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned **Additional District and Sessions Judge, 1st Fast Track Court, Alipurduar**, subject to condition that he shall attend the learned trial Court on each and every date of hearing as fixed by the learned Court. He shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with any of the conditions as mentioned above without justifiable cause, the learned trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, thus, disposed of.

Case Diary be returned.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Md. Shabbar Rashidi, J.)