

11.02.2026

Item No.155

Ct.No.5

b.das

Allowed

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION**

C.R.M. (M) 389 of 2025

In Re : An application for bail under Section 439 of the Code of Criminal Procedure read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Matigara Police Station Case No. 361 of 2022 dated 20.03.2022 under Section 376 of the IPC.

And

In Re : **Sagar Lohar**

... Petitioner

Ms. Radhika Agarwal

Mr. Dhiraj Lakhotia

Ms. Khushi Kundu

Mr. Bijan Ghosh

... for the Petitioner

Mr. Ujjwal Luksom

Mr. Sagnik Sarkar

... For the State

The petitioner is in custody for more than 3 years and prays for bail.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated. Medical report of the victim does not demonstrate any recent forcible penetration.

Learned counsel for the State opposes the prayer.

It appears that the de facto complainant and the victim have been examined. 8 out of 19 witnesses are examined. Trial will take some time to conclude.

Considering the period of detention of the petitioner as well as the fact that the victim and the de facto complainant

have been examined, this Court is inclined to release the petitioner on bail subject to stringent conditions.

Accordingly prayer for bail of the petitioner is allowed.

The petitioner **Sagar Lohar**, be released 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 District and Sessions Judge, Fast Track Court, Siliguri subject to condition that he shall remain outside the jurisdiction of Matigara Police Station and shall furnish the address where he shall presently reside before the learned trial Court, Investigating Officer and the Officer-in-Charge of the concerned police station under whose jurisdiction he shall henceforth reside. He shall appear before the learned trial Court on every date of hearing. 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.

(Suvra Ghosh, J.)