

JPD-5  
Ct No.01  
30.07.2024  
S.Pal

**Calcutta High Court  
In The Circuit Bench at Jalpaiguri  
Appellate Side**

**CRM (DB) 425 of 2024**

In Re: - An application for bail under Section 483 of the Bharatiya  
Nagarik Suraksha Sanhita (BNSS), 2023 correspondence under  
Section 439 of the Code of Criminal Procedure in connection with  
Bhaktinagar Police Station Case No.437 of 2024 dated 19.05.2024  
under Sections 457/427/325/379/506/120B/395 of the Indian  
Penal Code.

And

In the matter of: Shyamal Baidya and Another

...Petitioners

Mr. Arjun Chowdhury  
Mr. Debajit Kundu  
Ms. Pratusha Dutta Chowdhury  
Ms. Riya Agarwal  
Mr. Koushik Kumar Kanu  
Ms. Tulip Saha

... for the petitioners

Mr. Ujjwal Luksom  
Mr. C. Roy

... for the State

1. Learned counsel for the petitioners contends that the  
petitioners were arrested on several allegations, the only  
cognizable offence being under Section 395 of the Indian  
Penal Code. It is argued that other ten co-accused persons

standing on similar footing as the petitioners have already been enlarged on bail.

2. It is further submitted that the petitioners have a property adjacent to the alleged location of the offence which belongs to certain religious persons.
3. Moreover, the petitioners are small businessmen and their business and livelihood are being hampered due to the arrest.
4. Learned counsel for the State hands over a statement of a co-accused person which names the petitioner no.2 as the leader of the group which carried out the alleged attack and vandalism.
5. On the query of Court, learned counsel for the State also submits that the complainants specifically named petitioner no.2 “and others” in the complaint.
6. Upon considering the matter thoroughly, we are of the opinion that although the petitioner no.2’s involvement in the alleged offence might have apparently been active, since he was named as the leader by a co-accused as well as the only person named in the complaint, at the end of the day, in view of the nature of the allegations, the other ten persons who have been granted bail stand on equal footing as the petitioner no.2. In respect of the petitioner no.1, there cannot be any doubt that he is on equal footing as the others.

7. However, we are also not oblivious of the fact that the security of the complainant and the concerned members of his sect is also required to be protected.
8. Accordingly, CRM (DB) 425 of 2024 is allowed, thereby granting bail to the petitioners on condition that the petitioners shall furnish bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Jalpaiguri.
9. That apart, the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts and circumstances of the case so as to dissuade such person from disclosing such facts to any police officer or the court and/or tamper with the evidence in any manner whatsoever.
10. The petitioners shall not, during investigation as well as during trial, approach the vicinity of the location of the alleged offence and/or in any manner approach, directly or indirectly, the complainant as well as the other members of the organization to which the complainant belongs in any manner.
11. Moreover, the petitioners shall not leave the territorial jurisdiction of the trial court during the entire period of trial and investigation and make themselves available as and when required to cooperate with the investigation.
12. Furthermore, the petitioners shall also meet the Investigating Officer once a week during the period of

investigation and shall attend each and every date of trial when it commences.

**(Sabyasachi Bhattacharyya, J.)**

**(Prasenjit Biswas, J.)**