

23. 07.03.2025
Court
No.29 (Pritam)
(Rejected)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 113 of 2025

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Belghoria** Police Station Case No.**246/2024** dated **15.06.2024** under Sections **384/386/307/120B/34** of the IPC, 1860 & 25/27 of the Arms Act.

And

In the matter of: - **Sahil Kumar Singh @ Vivek Kumar & Anr.**
.....petitioners.

Mr. Arnab Chatterjee,
Mr. Dipankar Guha
...for the petitioners.

Mr. Kunal Ganguly
....for the State.

Dictated by Prasenjit Biswas, J.

1. It is said by the petitioners that they are in custody for about eight months. These petitioners are not FIR named accused persons and they are not in any way connected with the offence alleged. These petitioners were not present at the place of occurrence and at the time of the alleged incident. No specific roles have been attributed against them by the complainant. Investigation process has been completed by submitting charge-sheet by the prosecuting agency and the charge was framed by the learned Trial Court. So, no purpose will be served by

detaining further of these accused petitioners behind the bar for sake of custodial interrogation.

2. Learned Advocate for the State raises objection by submitting that there are sufficient incriminating materials in the case diary which show about prima facie involvement of these accused petitioners with the alleged offence. On the date of incident when the de-facto complainant was going to his construction site by boarding on his car and at that time suddenly these accused petitioners appeared on this spot riding on a two wheeler and started random firing aiming to the de-facto complainant. This de-facto complainant somehow saved his life. It was alleged in the written complain that one Sahajada and his associates threatened the de-facto complainant for ransom over telephone for last few months. The kingpin, namely, Subodh Singh has been operating a team of shooters from jail custody at Bihar and at his direction these accused petitioners came from Bihar and attempted to murder the de-facto complainant.
3. Perused the materials on record. After submission of charge-sheet by the prosecuting agency the charge was framed by the Trial Court. Although trial has not yet commenced, but long detention behind the bar per se is not the sole ground for releasing the accused on bail. There are Call Detailed Records (CDRs) which show that there is a prima facie link between these accused petitioners with the principal accused Subodh Singh who is presently in jail custody in Bihar. The offence involved in this case is serious in nature. Sufficient incriminating materials

have been gathered against these accused petitioners in the case diary by the prosecuting agency. Keeping in mind their complicity with the alleged offence and reasonable apprehension of their tampering with evidence and chance of absconding, we are not inclined to enlarge the accused petitioners on bail.

4. The prayer for bail is, thus, **rejected**.
5. CRM (DB) 113 of 2025 is disposed of.

(Arijit Banerjee, J.)

(Prasenjit Biswas, J.)