

9.
19-02-2025
(ct. no.29)
debajyoti
(allowed)

CRM (DB) 339 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Kalyani Police Station Case No.177 of 2024 dated 06-03-2024 under Sections 304/120(B)/34 of the Indian Penal Code read with Sections 25/27 of the Arms Act.

- A n d -

In the matter of : Rakesh Halder

.... Petitioner.

Mr. Shibaji Kumar Das,
Ms. Deblina De

... For the Petitioner.

Mr. Rana Mukherjee, learned APP,
Mr. Tirthankar Dhali

... For the State.

Dictated by Apurba Sinha Ray, J.

1. Learned advocate for the petitioner submits that the petitioner is not the principal accused. He did not open the fire. He is in custody for about 352 days. He claims parity by citing orders dated November 07, 2024 in CRM (DB) 3603 of 2024, November 22, 2024 in CRM (DB) 3865 of 2024 and January 09, 2025 whereby Antu Mondal, Bijoy Sarkar @ Bijay Sarkar @ Bejoy Sarkar and Ranjit Ghosh, respectively, were enlarged on bail. Investigation is complete. He prays for bail.

2. Learned advocate for the State opposes the prayer for bail. According to him, the firearm was recovered as per leading statement of the present petitioner. However, he fairly admits that the petitioner did not open the fire.

3. We have considered the material on record. It appears that the present petitioner is standing substantially on the same footing with the other accused, namely, Antu

Mondal, Bijoy Sarkar @ Bijay Sarkar @ Bejoy Sarkar and Ranjit Ghosh, who were granted bail earlier by this Court. The principal accused, namely, Raju Chiyal is in custody. Investigation is complete. As such, we do not think that further custodial detention of this petitioner is necessary.

4. Accordingly, we direct that the petitioner, namely, **Rakesh Halder**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Additional Chief Judicial Magistrate, Kalyani. The petitioner shall appear before the trial Court on every date of hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and shall not also commit any cognizable offence in future in any manner whatsoever.

5. In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel the bail in accordance with law without further reference to this Court.

6. The application for bail is, thus, **allowed**.

7. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

8. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)