

April 10, 2025
30 ARDR
(Rejected)

CRM(DB) 373 of 2025

In Re : An Application for bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with **Adra** Police Station Case No. 110 of 2023 dated June 23, 2023 under Sections 302/307/120B/34 of the Indian Penal Code read with Sections 25/27 and 37 of the Arms Act.

And

In Re : Md. Jamal @ Mahammad Jamal

... Petitioner.

Sr. Adv. Sekhar Kumar Basu,
Adv. R. Mukherjee,
Adv. J. Guha,

... for the petitioner.

Adv. Soumyajit Das Mahapatra,
Adv. Ranabeen Halder,

...for the defacto complainant.

Adv. Ranabir Roy Chowdhury,
Adv. Sanjida Sultana,

... for the State.

The petitioner is in custody for about one year nine months. Learned counsel for the petitioner submits that one of the witnesses whose statement was recorded under Section 164 of the Code of Criminal Procedure has turned hostile during evidence. PW 7 has not identified the petitioner as one of the alleged miscreants. The petitioner was not present at the place of occurrence and has no nexus with the alleged incident.

Vehemently opposing the prayer, learned counsel for the State has taken this Court to the statements of witnesses under Section 164 of the Code of Criminal Procedure implicating the petitioner in the alleged offence. Learned counsel submits that the case pertains to rivalry between two syndicates and the petitioner is the mastermind of the entire plan designed by the miscreants. Learned counsel also refers to several antecedents of the petitioner, in

response to which the learned counsel for the petitioner places reliance on the authority in ***Prabhakar Tewari vs. State of Uttar Pradesh & anr.*** reported in ***(2020) 22 SCC page 648***, wherein the Hon'ble Supreme Court has observed that pendency of several criminal cases cannot, by themselves, be the basis for refusal of prayer for bail.

Be that as it may, considering the material available in the Case Diary linking the petitioner to the alleged offence and also since vulnerable witnesses are yet to be examined, this Court is of the view that the petitioner cannot be granted bail at this stage.

Accordingly, the prayer for bail is rejected at this stage.

The application for bail is 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.)