

02
08.04.2025
Ct.No.34
b.das
Allowed

C.R.M. (DB) 450 of 2025

In Re : An application for bail under Section 483 of the BNSS, 2023 filed in connection with Dakshineswar P.S. Case No. 81 of 2024 dated 13.06.2024 under Sections 302/120B/201 of the Indian Penal Code.

And

In Re : **Sudip Das**

... Petitioner.

Mr. Jayanta Narayan Chatterjee
Mr. Krishnendu De
Mr. S. Naskar
Ms. J. Patra
Ms. Pritha Sinha
Mr. B. Mondal ... for the Petitioner.

Mr. Rana Mukherjee
Ms. Suruchi Saha ... For the State.

Mr. Sunil Gupta
Ms. S. Sarkhel
Mr. S. S. Prasad ...for the de facto complainant.

Heard learned counsels for the parties.

Perused the case diary.

The petitioner is in custody for about 300 days.

Learned counsel for the petitioner submits that the parents of the victim as well as an eyewitness have been examined by the learned trial Court and no material has transpired against the petitioner during evidence.

Learned counsel for the State refers to the case diary and submits that the statement of witnesses under Section 161/164 of the Code of Criminal Procedure implicates the accused and the motorbike of the accused/petitioner was found in front of the victim's house.

Learned counsel for the de facto complainant also opposes the prayer and submits that the victim's mother has lodged a General Diary before Dakshneswar P.S. dated 21st September, 2024 alleging that some unknown persons are following her and her family members and she has received threat of her grandchild being kidnapped. She suspects that the petitioner and co-accused Dilip Kr. Patra have sent the said persons.

I have considered the material on record. The petitioner is in custody for 300 days. Motorbike found in front of the petitioner's house belongs to the victim as stated by a witness in statement under Section 161 of the Code of Criminal Procedure. The evidence of the parents of the victim does not implicate the petitioner. Though the de facto complainant suspects that the petitioner and the co-accused have been engaging unknown persons to threaten them, the said suspicion is not based on any concrete evidence.

Considering the material available on record as well as evidence of the parents of the petitioner, this Court is of the view that further detention of the petitioner is not required and he may be released on bail on stringent conditions.

The prayer for bail is allowed.

The petitioner **Sudip Das** 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 Additional Chief Judicial Magistrate, Barrackpore subject to condition that the petitioner shall not leave the jurisdiction of Serampore

P.S. except for the purpose of appearing 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 is found to have committed any further cognizable offence or fail to comply with any of the conditions as stated above, 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.

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

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)