

14. 24.02.2025
Court
No.29 (Tanmoy)

Allowed

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
CRM (DB) 493 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 **CBI-SCB-Kolkata No. RC056S20210011/2021** dated 25.8.2021, in connection with **Kotwali** Police Station Case No. **562/2021** dated **14.6.2021** under Sections **143/144/147/120B/427/448/449/302/149/34** of the Indian Penal Code read with Sections **25(1B)(a)/27(1)** of the Arms Act, 1959.

And

In the matter of: - **TAPASH DEBNATH AND ORS.**

...petitioners.

Mr. Soubhik Mitter
Mr. Litan Maitra
Mr. Kalyan Kumar Bhattacharya
Ms. Rajnandini Das

...for the petitioners.

Mr. Amajit De, Spl. PP, CBI

...for CBI.

Dictated by Arijit Banerjee, J.

1. Report filed by Central Bureau of Investigation (CBI) be kept with the records.
2. Learned Advocate representing CBI strongly opposes the prayer for bail. He says that the concerned firearm was seized from the petitioner nos. 2 and 3. There is clinching evidence against the petitioners.
3. If the prosecution has such strong evidence against the petitioners, it should have ensured speedy disposal of the trial so that the petitioners could be convicted and punished in accordance with law.

4. From the report we find that the prosecution intends to examine 42-45 witnesses. Only 11 witnesses have been examined so far. The petitioners are in custody for three years and eight months. Early conclusion of the trial is highly unlikely.
5. Keeping in mind that an under-trial accused cannot be kept in incarceration for an indefinite period of time without taking the trial to its logical conclusion, without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India, we feel impelled to grant bail to the petitioners.
6. Accordingly, we direct that the petitioners, namely, **1. TAPASH DEBNATH, 2. SUBHAJEET MUKHERJEE @ PAPPU, 3. KUSHAI DAS @ KUSH @ KUSAI DAS, 4. SUBHOJEET CHAKI @ HUDA, 5. ABHIJEET DEB @ APU DEB** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Nadia at Krishnagar, subject to condition that the petitioners shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioners, while on bail, shall not enter the geographical limits of the district of Nadia, except for the purpose of attending Court proceedings and shall furnish their present address,

where they will be residing, to the Inspector-in-Charge of the Kotwali Police Station, Krishnagar as also to the learned Trial Court and shall also meet the Inspector-in-Charge/Officer-in-Charge of the Police Station within whose jurisdiction they shall be presently residing, once in a week, until further orders.

7. In the event the petitioners fail to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.
8. The application for bail being CRM (DB) 493 of 2025 is accordingly disposed of.
9. Criminal Section is directed to make available urgent photostat certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)