

12. 24.03.2025
Court
No.29 (Pritam)
(Rejected)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRA (DB) 53 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 **Nandigram** Police Station Case No.**0436/2024** dated **23.05.2024** under Sections **341/325/326/307/302/506/34** of the IPC, 1860 & Sections 25/27 of the Arms Act & Sections 3/3(1)(r)(s)/3(2)(v) of the SC/ST (Prevention of Atrocities) Act, 2015.

And

In the matter of: - **Tarun Ojha @ Babu Ojha.**

...petitioner.

Mr. Milon Mukherjee, Sr. Adv.,
Mr. Tapas Ghosh,
Mr. Tanmoy Choudhury,
Mr. Tamal Taru Panda

...for the petitioner.

Mr. Moyukh Mukherjee,
Mr. Koustav Lal Mukherjee,
Mr. Sagnik Banerjee,
Ms. Sarmistha Basak

....for the *de-facto*.

Mr. Madhusudan Sur, Ld. A.P.P.,
Mr. Dattatreya Dutta

...for the State.

Dictated by Apurba Sinha Ray, J.

1. The learned counsel for the petitioner has submitted that the present petitioner is standing on the same footing with the other accused who were granted bail by this court on March 18, 2025.

2. Learned counsel has further pointed out that the petitioner is languishing in the judicial custody for about 298 days. The investigation is complete and therefore, the petitioner may be enlarged on bail on any condition.
3. The learned counsel for the State vehemently opposes the prayer for bail of the petitioner. According to him, there are incriminating materials, which differentiate the present accused with the other accused who were granted bail by this court on March 18, 2025. Learned advocate for the State has drawn our attention to the seizure list and he contends that the offending pipe by which the offence was committed was recovered on the leading statement of the present petitioner.
4. The learned advocate for the *de-facto* complainant has also submitted that the present petitioner is not similarly circumstanced with the other accused, who were granted bail by this court.
5. We have considered the materials on record, including the case diary. It appears that as per the leading statement of the present petitioner, the offending pipe has been recovered from a bush inside the under construction abandoned old house of one Dilip Hazra and on the basis of such materials on record, bail prayer of another accused, namely, Palash Bhuia was rejected by this court. As the learned counsel for the State has been able to show that the present petitioner is standing on a different footing with the other accused who have been granted bail, we

are not inclined to allow the petitioner's prayer for bail, at this stage.

6. The prayer for bail is, thus, **rejected**.
7. CRA (DB) 53 of 2025 is disposed of.
8. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.
9. 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.)