

08.04.2025

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jb.

jdt.

Partly Allowed

C.R.M. (DB) 700 of 2025

In Re : An Application for bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 filed in connection with Ranaghat
Police Station Case No. 09/2021 dated 27.06.2021 under Sections
302/120B of the Indian Penal Code.

And

In Re : **Somnath Mishra @ Chhotu**

... Petitioner.

Mr. Rajdeep Mazumder
Mr. Abir Ranjan Neogi
Mr. Karan Bapuli

... For the Petitioner.

Ms. Anasuya Sinha
Mr. Mainak Gupta

... For the State.

Learned counsel for the petitioner does not press the
application for bail in so far as the first petitioner Somnath Mishra
@ Chhotu and third petitioner Haran Das are concerned. Their
bail application is, therefore, dismissed for non-prosecution.

With regard to second petitioner namely Anup Roy @ Pacha
learned counsel for the petitioner submits that he is in custody for
about 4 years. None of the witnesses implicated him in the offence
alleged. He was merely a by stander in the alleged offence.

Learned counsel for the State opposes the prayer for bail.

It appears from the evidence of witnesses that the main
thrust of the allegation is against the first and third petitioner.
Evidence does not *prima facie* link the second petitioner to the
offence alleged.

Considering the material on record, this Court is inclined to
hold that further detention of the second petitioner is not required
and he can be granted bail.

Accordingly, the prayer for bail of the second petitioner is allowed.

The second petitioner namely Anup Roy @ Pacha shall 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, Ranaghat, Nadia subject to condition that he shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court and he shall not tamper with the evidence or intimidate the witnesses in any manner whatsoever.

In the event the second petitioner fails to appear before the learned trial Court on any date fixed for hearing without any justifiable cause, 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 disposed of.

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.)