

13.
Court
No.29

07.03.2025

(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 768 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 in connection with **Haringhata** Police Station Case No. **612/2024**, dated **18.11.2024** under Sections **329(3)/115(2)/117(2)/109/351(2)** of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: - **GOPAL SARKAR**

...petitioner.

Mr. Shibaji Kumar Das
Mr. Dipendu Sarkar

...for the petitioner.

Mr. Atif Ahmed Siddiqui

...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he had no intention of causing any injury to the victim. The incident occurred in relation to a land dispute. In the heat of the moment, the victim suffered injury, as a result of assault. He is in custody for 110 days. Investigation is complete. His further custodial detention is not necessary. He prays for bail.
2. While opposing the prayer for bail, learned State Advocate shows us the injury report and other material in the case diary. He says that charge-sheet has been submitted upon completion of investigation.
3. On an overall assessment of the material on record and considering the possible extent of complicity of the petitioner

in the alleged crime, we are of the view that since investigation is complete, further custodial detention of the petitioner is not necessary. Hence, the prayer for bail is allowed.

4. Accordingly, we direct that the petitioner, namely, **GOPAL SARKAR** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Kalyani, Nadia, subject to condition that the petitioner 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 petitioner, while on bail, shall not enter the territorial jurisdiction of Haringhata Police Station and shall furnish his present address to the Inspector-in-Charge/Officer-in-Charge of the concerned Police Station as well as the learned Trial Court and shall also report to the Inspector-in-Charge/Officer-in-Charge of the concerned Police Station within whose jurisdiction he shall be presently residing, once in a week, until further orders.
5. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the

Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

6. The application for bail being CRM (DB) 768 of 2025 is accordingly disposed of.
7. Criminal Section is directed to make available urgent photostat certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)