

05
29.04.2025
Ct.No.34
b.das
Rejected

C.R.M. (DB) 1053 of 2025

In Re : An application for bail under Section 483 of BNSS, 2023 filed in connection with Narkeldanga Police Station Case No.302 of 2024 dated 02.11.2024 under Section 189(2)/189(3)/191(3)/195(1)/132/121(1)/324(5)/3(5) of BNS, 2023 read with Section 3 of Prevention of Damage to Public Property Act, 1984 read with Section 10 of Maintenance of Public Order Act, 1972.

And

In Re : **Surender @ Surinder Pal Singh @ Boogie @ Guggi & Anr.**
...Petitioners.

Mr. Rajdeep Majumder
Mr. Moyukh Mukherjee
Mr. Debanca Das
Ms. Swheta Maity ... for the petitioners.

Mr. Subhamay Bhattacharya
Mr. Santanu Talukdar ... for the State.

Heard learned counsels for the parties.

The petitioners are in custody for more than 4 months and pray for bail.

Learned counsel for the petitioners primarily submits that three separate FIRs have been lodged in respect of the same incident which occurred on 1st November, 2024. The petitioners are on bail in connection with the 1st FIR.

Learned counsel has candidly submitted that the State has filed an application for cancellation of the said bail.

Placing reliance on the authorities in T.T. Antony Vs. State of Kerala & Ors. reported in (2001) 6 SCC 181 and State of Rajasthan Vs. Surendra Singh Rathore reported in 2025 SCC Online SC 358, learned counsel submits that the subsequent FIRs arising out of the same incident lie only

when a counter case or a rival version of the same set of facts is brought on record. Since the two subsequent FIRs have been lodged on the same day as the 1st FIR in connection with the same incident and also the petitioners have been granted bail in respect of the 1st FIR, they are entitled to bail in connection with the subsequent FIRs also.

Learned counsel for the State opposes the prayer.

I have considered the material on record. It appears that the CCTV footages of the incident have been captured and the petitioners have been identified as the principal assailants therein. There is sufficient material on record connecting the petitioners to the alleged offence. Police personnel have been assaulted and gunshot injuries attempted to be inflicted on one of them. On merits, the petitioners do not deserve a favourable order for bail at this stage.

On the issue of three separate FIRs being lodged in connection with the same incident on the same day, the said fact may be brought to the notice of the appropriate forum for necessary orders. It may be considered whether trial of the three cases can be clubbed together. Such lapse on the part of the prosecution can, under no circumstances, be a ground for release of the petitioners on bail at this stage, considering the gravity of the offence and prima facie involvement of the petitioners therein.

Accordingly, prayer for bail is rejected at this stage.

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.)