

04.12.2025

Court No.35.

D/L. 23.

Kausik

(Allowed)

CRM (SB) 38 of 2025

In Re: An Application for Bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023/ Section 439 of the Code of
Criminal Procedure, 1973 in connection with AJC Bose B.
Garden Police Station Case No. 74 of 2023 dated 23.03.2023
under sections 341/195A/506/120B of the Indian Penal Code.

And

In the matter of : Devendra Mishra

.....Petitioner.

Mr. Sourav Chatterjee, Sr. Adv.
Mr. Soumya Basu Roy Chowdhury
Mr. Soumyajit Das Mahapatra
.....for the Petitioner.

Mr. Sabyasachi Banerjee, Sr. Adv.
Mr. Kallol Mondal, Sr. Adv.
Ms. Nahid Ahmed

....for the Defacto-Complainant.

Mr. Rudradipta Nandy, Ld. APP
Ms. Sanjana Saha
.....for the State.

Learned advocate appearing for the petitioner submits
that petitioner is in custody in connection with the present case
for 2 years and 4 months. The accusations are under sections
341/195A/506/120B of the Indian Penal Code.

Petitioner prays for bail in the present case only on any
stringent condition.

Learned advocates appearing for the defacto
complainant submits that there are series of cases against the
present petitioner and the antecedents of the petitioner reflects
that he is a habitual offender and threat to the society.

Petitioner has been threatening the witnesses through his agents as such his release would jeopardize whole of the trial process which is pending.

Learned advocate for the State oppose the prayer for bail and submits that the petitioner is operating from the jail and his conduct in Court through agents have instilled fear within certain witnesses.

Be that as it may, having considered the sections for which the petitioner has been charged and the period of detention of the petitioner in connection with the instant case, I am of the opinion that further custody so far as the present case is concerned, is unwarranted.

Petitioners, namely, **Devendra Mishra** shall furnish bond of Rs. 20,000/- (Rupees Twenty Thousand Only) with two sureties of Rs. 10,000/- (Rupees Ten Thousand Only) each. One of whom must be local to the satisfaction of learned CJM, Howrah Sadar.

If on bail the petitioner shall be physically present on the dates fixed by the learned Trial Court. It has been informed by the State that number of criminal cases are pending against the petitioner which includes offences under section 302 of the Indian Penal Code and there are accusations of the petitioner operating from the jail of Howrah.

Consequently, the IG/DG, Prisons is directed to transfer the present petitioner from Howrah Jail if he is in custody in connection with any case to the Central Jail at Calcutta.

The observations made above are restricted only for the disposal of the present case and will not operate on merits of the case for either of the parties.

Registrar General, High Court, Calcutta is directed to communicate this order to the IG/DG, Prisons immediately.

With the aforesaid observations CRM (SB) 38 of 2025 is disposed of.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)