

April 23, 2025

3 ARDR
(Allowed)

CRM (M) 30 of 2025

In Re : An Application for bail under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 filed in connection with **Hare
Street** Police Station Case No. 297 of 2022 dated 20th October, 2022
under Sections 120B/420/467/468/471 of the Indian Penal Code.

And

In Re : Prasenjit Das

... Petitioner.

Adv. Anshin Desai (through VC),
Adv. Supratin Basu,
Adv. Nandish Thackker,

... for the petitioner.

Adv. Debasish Roy, Ld. PP,
Adv. Anand Keshri,
Adv. Suruchi Saha,

... for the State.

Report submitted by the State is taken on record.

Heard learned counsels for the parties.

Learned counsel for the State raises objection to the bail
prayer.

The petitioner was granted bail on 7th February, 2023 after
suffering incarceration since 2nd November, 2022. Subsequently his
bail was cancelled by the learned Chief Metropolitan Magistrate,
Calcutta solely on the ground of suppression of facts by the
petitioner. Learned Magistrate held that though the learned counsel
for the petitioner undertook before this Court that no bail
application would be filed during the pendency of the revisional
application, such undertaking was not disclosed before the learned
Magistrate in course of hearing of the bail application. An FIR was
registered against the petitioner earlier being Hare Street Police
Station/DD case no.290 dated 14th October, 2022. The petitioner

has been granted bail in the said case by the learned trial Court on 29th November, 2024.

Report submitted by the State demonstrates that ten accused persons are still absconding and the process of securing their presence has been initiated.

The petitioner is in custody for more than two years after cancellation of his bail prayer. Chances of the trial being concluded in near future is bleak.

The petitioner was initially granted bail upon consideration of the merits of the case which was subsequently cancelled solely on the ground of suppression of facts by the petitioner. There is no change of circumstance with regard to the merits.

Considering the period of detention of the petitioner as well as slow progress in trial of the case, this Court is of the view that further detention of the petitioner is not required and he may be released on bail subject to stringent conditions.

Accordingly, the prayer for bail is allowed.

The petitioner namely Prasenjit Das be released on bail upon furnishing bond of Rs.1,00,000/- (Rupees One Lakh only), with adequate sureties of the said amount, half of whom should be local to the satisfaction of the learned Chief Judicial Magistrate, Calcutta subject to the condition that he shall remain within city of Kolkata and shall furnish the address where he shall presently reside before the learned trial Court, the Investigating officer and the Inspector in charge/Officer in charge of the concerned police station under whose jurisdiction he shall presently reside. The petitioner shall appear before the learned trial Court on every date

of hearing fixed by the learned Court and shall not intimidate witnesses or tamper with evidence in any manner whatsoever. He shall surrender his passport before the learned trial Court and shall provide his mobile number before the learned trial Court and the Inspector in charge. He shall not change the mobile number without prior intimation to the learned trial Court and the Inspector in charge.

In the event the petitioner fails to adhere to any of the conditions as stated above, 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.

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.)