

26
30.04.2025
Ct.No.34
b.das
Allowed

C.R.M. (M) 187 of 2025

In Re : An application for bail under Section 483 of the BNSS, 2023 filed in connection with Chinsurah P.S. Case No. 103 of 2016 dated 20.02.2016 under Sections 341/325/307/34 of Indian Penal Code and Sections 25/27 of Arms Act.

And

In Re : **Toton Biswas** ... Petitioner.

Mr. Moyukh Mukherjee
Ms. Sinthia Bala
Mr. Samrat Mondal ... for the Petitioner.

Mr. Adir Badr.
Ms. Pushpita Saha ... for the State.

Report submitted by the State is taken on record.

Heard learned counsels for the parties.

It appears that the petitioner was granted bail by the learned Sessions Judge, Hooghly on 23rd June, 2016. Since he was in custody in connection with several other cases, he was finally released by the learned Additional Sessions Judge, Fast Track, 1st Court, Hooghly on 17th May, 2023.

It appears from the report that the petitioner was present before the learned trial Court though his learned counsel under Section 317 of the Code of Criminal Procedure on every date of hearing fixed by the learned Court after his release on bail. The petitioner failed to appear before the learned trial Court on 3rd September, 2024 without steps for which warrant of arrest was issued against him. He voluntarily surrendered before the trial Court on 19th March,

2025 and is in custody since then. The petitioner prays for bail.

Opposing the prayer learned counsel for the State submits that the petitioner has several criminal antecedents and was not regular in appearing before the learned trial Court after he was released on bail.

Learned counsel has placed reliance on the authority in *Sudha Singh vs. The State of Uttar Pradesh & Anr.* reported in (2021) 4 Supreme 13.

I have considered the material on record. In the authority relied upon by the State, the Hon'ble Supreme Court has observed that the conduct and antecedents of the accused ought to be taken into consideration before he is enlarged on bail.

In the present case, bail was granted to the petitioner as early as on 23rd June, 2016 upon consideration of the facts and circumstances of the case. The State has not chosen to take steps for cancellation of the said bail thereafter. The fact situation in the present case can be distinguished from the ratio of the judgment relied upon.

The petitioner was duly represented before the learned Trial Court regularly and warrant of arrest was issued against him since he was absent before the learned trial Court on a single occasion. The petitioner voluntarily surrendered before the learned trial Court and is in custody since then.

In view of the above, this Court is inclined to hold that further detention of the petitioner is not required and he may be released on bail subject to stringent conditions.

Accordingly, prayer for bail is allowed.

The petitioner **Toton Biswas** 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 Chief Judicial Magistrate, Hooghly subject to condition that he shall appear before the learned trial Court on every date of hearing and shall not influence witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions as stated above without 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 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.)