

28.04.2025

Item No.13

Ct.No.34

rc.

Allowed

C.R.M. (M) 191 of 2025

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Saktipur Police Station Case No. 299 of 2024 dated 01.12.2024 under Sections 126(2)/117(2)/118(2)/109(1)/103(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023.

And

In Re : **Achinta Ghosh @ Patai**

... Petitioner.

Mr. Arnab Chatterjee

Ms. Dhanasree Biswas

Ms. Poulami Bose

... for the Petitioner

Mr. Joydip Roy

Mr. Amanul Islam

... For the State

Mr. Navanil De

Mr. Srinjan Ghosh

...for the de facto complainant

Heard learned counsels for the parties.

The petitioner is in custody for more than 100 days and claims parity with co-accused Ashim Ghosh who has been granted anticipatory bail.

Learned counsel for the State opposes the prayer and submits that the offending weapons have been recovered pursuant to the leading statement of the petitioner and sent for forensic examination. The report is awaited.

It appears that the petitioner is one of the co-accused who assaulted the victim and two others. The victim succumbed to the injuries inflicted on him. Out of the two other injured, one was admitted to the hospital and discharged subsequently. Besides the fact that the offending weapons were recovered at the behest of the petitioner, the

petitioner appears to be similarly circumstanced with co-accused Ashim Ghosh whose custody was not found necessary by the Investigating Agency. Since charge sheet has been submitted, this Court is of the view that further detention of the petitioner is not required.

Accordingly prayer for bail of the petitioner is allowed.

Accordingly, the petitioner, **Achinta Ghosh @ Patai** 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 Additional Chief Judicial Magistrate, Berhampore, Murshidabad subject to condition that the petitioner shall appear before the learned trial Court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with any of the conditions mentioned 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.

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

(Suvra Ghosh, J.)