

May 05, 2025

16 ARDR

Allowed

CRM (M) 253 of 2025

In Re : An Application for bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with **Chinsurah** Police Station Case No. **535** of **2017** dated **27/11/2017** under Sections **143/427/506/384/120B** of the Indian Penal Code and Sections **25/27** of the Arms Act and Sections **3/4** of the Explosives Substance Act.

And

In Re : Toton Biswas

... Petitioner.

Adv. Moyukh Mukherjee,
Adv. Sinthia Bala,

... for the petitioner.

Adv. Sanjoy Bardhan,
Adv. Nandini Chatterjee,

... for the State.

Heard learned counsels for the parties.

The petitioner was granted bail on 18th December, 2021 but was not released as he was unable to furnish bond. He was ultimately released by the learned Additional Sessions Judge, Fast Track, 1st Court, Hooghly on 17th May, 2023. The petitioner appeared before the learned trial Court thereafter through his learned advocate under Section 317 of the Code of Criminal Procedure. The petitioner sought adjournment before the learned trial Court which was turned down and warrant of arrest was issued against him on 9th October, 2023. He surrendered before the learned trial Court on 19th March, 2025 and is in custody since then.

Learned counsel for the State opposes the prayer and submits that there are several criminal antecedents against the petitioner and he may further abscond if granted bail at this stage.

I have considered the material on record.

The petitioner was granted bail on 18th December, 2021 and released from custody on 17th May, 2023. The State has chosen not to take steps for cancellation of the bail granted to the petitioner earlier. The petitioner appears to have been duly represented before the learned trial Court on every date of hearing and warrant of arrest was issued against him since he sought adjournment on a single date. The petitioner has surrendered before the learned trial Court voluntarily.

In view of the above, this Court does not find it necessary to detain the petitioner in custody further and he may be released on bail subject to stringent conditions.

Accordingly, the prayer for bail is allowed.

The petitioner, namely 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. He shall not tamper with evidence or intimidate witnesses in any manner whatsoever.

In the event the petitioner fails to comply with any of the conditions stated above without any 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 disposed of.

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.)