

05.05.2025

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jb.
jdt.

C.R.M. (M) 275 of 2025

In Re : An Application under Section 439 of the Code of Criminal Procedure/under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Dum Dum Police Station Case No. 70 of 2024 dated 19.02.2024 under Sections 302/34 of the Indian Penal Code with added Section 120B of the Indian Penal Code.

And

In Re : Swapan Makal @ Swapan Makhal @ Bidesh

Mr. Sekar Kr. Basu
Mr. Sarthak Barman

... For the Petitioner.

Ms. Rituparna De Ghosh
Ms. Trisha Rakshit

... For the State.

Bail prayer of the petitioner was turned down by this Court on earlier occasions, lastly on 17th February, 2025.

Learned counsel for the petitioner submits that by order passed on 26th February, 2025, learned Additional Chief Judicial Magistrate, Barrackpore, North 24 Parganas directed further investigation of the matter with an observation that the CC TV footages collected by the investigating officer on the basis of which three persons were not sent up for trial should be sent for CFSL for verifying their authenticity. Learned Magistrate also observed that witnesses named by the *defacto* complainant should be brought before the Magistrate for recording their statement under Section 164 of the Code of Criminal Procedure. The Officer-in-charge of the Dum Dum police station was directed to appoint a new investigating officer in the case for further investigation and send a day to day update of the progress of the investigation to the Commissioner of Police, Barrackpore.

It appears that further investigation was primarily on the ground that three of the accused were not sent up for trial in the charge-sheet. Direction for further investigation can, under no circumstance, be considered to be a change in circumstance of the case warranting a favourable order for the petitioner at this stage.

Considering the material on record connecting the petitioner to the alleged offence as well as the gravity of the offence, prayer for bail is rejected at this stage.

The application for bail is 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.)