

17.03.2025
Item No.70 with 71
with 72 with 73
Court No. 26
CHC
Rejected

CRM (DB) 1468 of 2024

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure, 1973; in connection with **RC 056202 2S0006 – CBI, SCB**, dated **25.3.2022** arising out of **Rampurhat** Police Station Case No.**169/2022** dated **22.3.2022** under Sections **147/ 148/ 149/ 325/326/307/302/435/427** of the Indian Penal Code, 1860.

-And-

In the matter of : **Anarul Hossain**

... ...Petitioner

With

CRM (DB) 1215 of 2024

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure, 1973 as amended thereunder; GR No. 578 of 2022 arising out of **Rampurhat** Police Station Case No.**168/2022** dated **22.3.2022** subsequently renumbered CBI FIR No. RC09(8)/2022 under Sections **302/120B/34** of the Indian Penal Code and Section 384 of the Explosive Substances Act.

-And-

In the matter of : **Sona Sk.**

... ...Petitioner

With

CRM (DB) 1522 of 2024

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure, 1973; in connection with CBI Case No. **RC 0562022S0006/CBI/SCB/ Kolkata** arising out of **Rampurhat** Police Station Case No.**169/2022** dated **22.3.2022** under Sections **147/ 148/ 149/ 325/326/307/302/435/436/427** of the Indian Penal Code, 1860.

-And-

In the matter of : **Nazir Hossain & Anr.**

... ...Petitioners

With

CRM (DB) 2255 of 2024

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure, 1973/under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023; corresponding to **Rampurhat** Police Station Case No.**168/2022** dated **22.3.2022** under Sections **302/120B/34** of the Indian Penal Code, 1860; Sections 3 and 4 of Explosive Substances

Act later transferred to the CBI, being FIR No.RC0562022S0009 (RC099 (S)/2022) dated 08.04.2022 and subsequently, charge sheet has been submitted on June 20th, 2022 under Sections 302/120B/34 of the Indian Penal Code, 1860; Sections 3 and 4 of Explosive Substances Act, 1908 and Sections 25(1)A & 27 of Arms Act, 1959.

-And-

In the matter of : **Sanju Sekh @ Nur Islam Sekh**
... ...Petitioner

Mr. Milon Mukherjee, Senior Advocate
 Mr. Indranil Chanda, Advocate
 Mr. Rahul Ganguly, Advocate
 Ms. Nandita Bakshi, Advocate
 For the petitioner
 in CRM(DB) 1468 of 2024

Mr. Swapan Kumar Mallick, Advocate
 Ms. Sudeshna Das, Advocate
 Ms. Debjani Mukherjee, Advocate
 For the petitioner
 in CRM(DB) 1215 of 2024

Mr. Kunal Ganguly, Advocate
 Mr. Kaustav Banerjee, Advocate
 For the petitioners
 in CRM(DB) 1522 of 2024

Mr. Dipanjan Chatterjee, Advocate
 Mr. Anirban Banerjee, Advocate
 Mr. Sayantan Banerjee, Advocate
 Mr. Deep Agarwal, Advocate
 Ms. Shalini Bairagi, Advocate
 Mr. Sourav Saha, Advocate
 Ms. Kakan Das, Advocate
 Ms. Rimpa Adkhikari, Advocate
 For the petitioner
 in CRM(DB) 2255 of 2024

Mr. Dhiraj Trivedi, Senior Advocate
 (DSGI)
 Mr. Amajit De, Spl P.P. CBI
 For the CBI
 in CRM(DB) 1468 of 2024 and CRM(DB) 1215 of 2024

Mr. Rajdeep Majumdar, Senior Advocate
 (DSGI)
 Mr. Amajit De, Spl P.P. CBI
 For the CBI
 in CRM(DB) 1522 of 2024 and CRM(DB) 2255 of 2024

1. Four petitions containing prayers for bail of separate accused in two police cases are taken up for analogous consideration as those applications for bail were heard analogously by the coordinate Bench.
2. The first police case is Rampurhat Police Station Case No.168/2022 dated March 22, 2022, subsequently renumbered by the Central Bureau of Investigation (C.B.I) being CBI FIR No.RC09(8)/2022. The first police case relates to a murder of a person.
3. The second police case is Rampurhat Police Station Case No.169/2022 dated March 22, 2022 which was subsequently renumbered by CBI as RC 6/CBI/SCB/Kolkata.
4. For the sake of convenience we will follow the FIR number registered by CBI since the investigations were transferred to CBI by the High Court and CBI submitted charge sheet in both the police cases.
5. Trial is in progress in both the police cases.
6. CRM(DB) 1468 of 2024 is at the behest of the an accused in RC6. We noted the contentions of the petitioner by our order dated March 7, 2025. In addition to the recording made in such order, learned Senior Advocate appearing for the petitioner submits that, petitioner was at the hospital at the relevant point of time when the incident is alleged to occur.
7. Although, we noted the contentions of CBI opposing the prayer for bail of the petitioner in CRM(DB) 1468 of 2024 on

March 7, 2025, nonetheless, we reproduce the contentions of CBI in gist today.

8. Contention of CBI in RC6 opposing the prayer for bail in CRM(DB) 1468 of 2024 is that out of 7 witnesses which strongly implicate such petitioner in the crime of arson resulting in the death of 11 persons though burn injuries only one was examined who turned hostile. There are six other witnesses who are yet to be examined. Such witnesses heard the petitioner to instigate the commission of arson while at the hospital.
9. The contention of the petitioner in CRM(DB) 2255 of 2024 was noted elaborately in our order dated March 7, 2025 which we propose not to repeat.
10. Mr. Dhiraj Trivedi, learned Deputy Solicitor General of India points out that, out of 5 prosecution witnesses, 3 turned hostile and one remaining to be examined. Moreover, there are criminal antecedents of such petitioner being FIR No.166 of 2022 dated March 19, 2022 of the same police station.
11. Contentions of the petitioners in CRM(DB) 1522 of 2024 was recorded in our order dated March 7, 2025 which we propose not to repeat.
12. Mr. Majumdar, learned Deputy Solicitor General of India submits that, there are 9 prosecution witnesses out of which, 3 were examined. Although all three turned hostile, 6 remains to be examined.

13. Similarly, we propose not to repeat the contention of the petitioner in CRM(DB) 2255 of 2024, since we recorded such contentions by our order dated March 7, 2025.
14. Mr. Majumdar, learned Deputy Solicitor General of India submits that, out of 12 prosecution witnesses, 5 were examined out of which, 4 turned hostile. He submits that, another 7 prosecution witnesses are yet to be examined. Moreover, there is criminal antecedents so far as such petitioner is concerned being Rampurhat Police Station Case No.166 of 2022 dated March 19, 2022.
15. We find from the records that, two incidents occurred in close proximity with each other. One Bhadu Sk was murdered. Police Case was registered which was subsequently transferred to the CBI for investigation. On the murder of Bhadu Sk there was an incident of arson in which, 11 persons succumbed to death due to burn injuries. There are two dying declarations of the two deceased dying in act of arson. However, such dying declarations do not name any of the petitioners before us.
16. Trial is in progress in respect of both the police cases.
17. Period of detention of all petitioners before us are not such so as to invoke the provisions of Article 21 of the Constitution of India in favour of any of the petitioners at this stage.
18. All prosecution witnesses are yet to be examined. There are prosecution witnesses who are yet to be examined and, who, at least as the materials in the Case Diary stands, implicate

all the petitioners in their respective police cases. At this stage, it would be improper to pronounce that, the prosecution failed to bring home the charges as against any of the petitioners, conclusively, at the trial, for us to grant bail to any of the petitioners on such basis.

19. As noted above, both the police cases involved heinous crime one being murder and other arson resulting in the death of 11 persons.
20. In such circumstances, we are not inclined to grant bail to the petitioners.
21. Applications for prayer for bail are rejected.

(Debangsu Basak, J.)

(Smita Das De, J.)