

05
16.07.2025
Ct.No.34
b.das
Allowed

C.R.M. (M) 526 of 2025

In Re : An application for bail under Section 483 of the BNSS, 2023 filed in connection with Panchasayar P.S. Case No. 20 of 2020 dated 17.03.2020 under Sections 302/324/34 of the IPC charge sheet submitted under Sections 120B/302/324/34/212 of the IPC.

And

In Re : **Subrata Kamat** ... Petitioner.

Mr. Sabyachi Banerjee, Sr. Adv.

Mr. Apalak Basu

Ms. Sanghamitra Mridha ... for the Petitioner.

Mr. Avishek Sinha

Mr. Atanu Ghosh ... for the State.

Heard learned counsels for the parties.

The petitioner is in custody for more than 5 years and claims parity with the co accused who have been granted bail earlier.

Learned counsel for the petitioner submits that the petitioner is not the principal assailant and no specific role has been attributed to him. Several witnesses are remaining to be examined by the prosecution and trial will take some time to conclude.

Learned counsel for the State opposes the prayer.

I have considered the material on record. The petitioner does not appear to be the principal assailant. Though he has been referred to as a member of the gang which attacked and assaulted the victim, no specific overt act has been attributed to him.

It is a fact that one of the co accused Susanta Kirtania @ Dholu who was granted bail earlier allegedly threatened a witness for which FIR was lodged. It is submitted that the said co accused has been granted bail in the subsequent case lodged against him. Also, the petitioner cannot be held responsible for the alleged conduct of the co accused.

In view of the fact that the petitioner is similarly circumstanced with the co accused on bail with regard to his period of incarceration as well as his alleged involvement in the offence, he is also entitled to the same benefit.

Accordingly, prayer for bail is allowed.

The petitioner namely **Subrata Kamat** 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, Alipore subject to condition that he shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court. He shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the learned trial Court on any date 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.)