

30.05.2025
Court No.6
Item No.6
BD/jayanta

CRM (M) 540 of 2025

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 read with Section 483 of BNSS, 2023, in connection with Raidighi Police Station Case No. 569 dated 05.11.2024 under Sections 103 (2)/61 (2) (a) of the Bharatiya Naya Sanhita Act.

And

In the matter of: **Sk. Nasir @ Bapi**

....Applicant/Petitioner.

Mr. D. Chatterjee
Mr. Kalyan Kumar Bhattacharyya
Ms. Rimpa Adhikari
Ms. Kakan Das

..for the petitioner

Mr. Saibal Bapuli, Ld. APP
Mr. D. Paramanick

..for the State

Mr. Angshuman Chakraborty
Mr. S. Nag
Mr. Rajib Ghosh
Mr. N. Banerjee

..for the *de facto*

1. This Court has heard learned advocate for the petitioner, learned advocate for the State and learned advocate for the informant at length.
2. This court has also considered the entire materials as placed before this Court including the materials available in the Case Diary and the statements of the witnesses as recorded under Section 164 of the Cr.P.C/Section 183 of the BNSS.
3. On careful consideration of the entire materials as placed before this Court it reveals that the present accused petitioner is named in the FIR. However, it, *prima facie*, transpires to this

Court that the present accused petitioner is not the principal assailant.

4. Though a case has been made out on behalf of the State that the present accused petitioner was actively involved in the alleged crime on account of his presence in the P. O. this Court considers that the alleged presence of the present accused petitioner in the P.O. gets not much support from the P.M. report of the victim.
5. Considering the entire circumstances, this Court is inclined to allow the prayer of the accused petitioner.
6. It is thus ordered that the petitioner, namely, **Sk. Nasir @ Bapi**, be released on bail upon furnishing a bond of Rs.10,000/-, with two registered sureties of like amount each, to the satisfaction of the Additional Sessions Judge, 2nd F.T.C., Diamond Harbour, South 24 Parganas and also on condition that the present accused petitioner shall appear before the learned Trial Court on each and every date of substantive hearing unless his personal appearance is dispensed with until further order of the learned Trial Court and shall not commit any threat and/or inducement to the charge sheeted witnesses and shall not tamper with the evidence.
7. It is further ordered that the present accused petitioner shall not enter into the territorial jurisdiction of the Raidighi Police Station till conclusion of the trial unless such condition is relaxed by the learned Trial Court.

8. It is made clear that in the event any of the conditions of bail as imposed by this Court is violated by the present accused petitioner, learned Trial Court is at liberty to cancel the bail of the present accused petitioner without any further reference to this Court.
9. With the aforementioned observation the CRM (M) 540 of 2025, is disposed of.

(Partha Sarathi Sen J.)