

06.
03-06-2025
(ct. no.06)
debajyoti/d.p.
(allowed)

CRM (M) 546 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 read with Section 483 of the Bhartiya Nagarik Suraksha Sanhita 2023 in connection with Kalyani Police Station Case No.887 of 2024 dated 30-10-2024 under Sections 126(3)/78(2)/70(1)/351(2) of the BNS.

- A n d -

In the matter of : Sonu Shaw

.... Petitioner.

Mr. Debasis Kar,
Mr. Arka Tilak Bhadra.

... For the Petitioner.

Ms. Sujata Das,
Mr. Asif Dewan.

... For the State.

1. Service report filed on behalf of the State is taken on record. In spite of service, none appears on behalf of the defecto complainant.
2. It is said on behalf of the petitioner that he is in custody for seven (7) months. Evidence taking process is over and date was fixed for examination of accused persons under Section 313 Cr.P.C. So, no purpose will be served by detaining this accused petitioner further behind the bar. It is further said that one of the FIR named accused persons viz.Rahul Roy @ Amit Roy was enlarged on bail by passing an order of this Court on 28.03.2025 in connection with CRM(DB) 665 of

2025. It is prayed that this accused petitioner may be enlarged on bail for his long detention behind the bar.

3. Learned advocate for the State raises objection by submitting that there are sufficient incriminating materials in the record which prima facie reflects about involvement of this accused petitioner in the alleged offence which is serious in nature. Evidence taking process is over and the date is fixed for examination of accused persons under Section 313 Cr.P.C. and, if, at this stage, this accused petitioner is enlarged on bail then there is every chance of absconsion of this accused petitioner. So, learned advocate prays that the petition filed for bail by this petitioner may be rejected.

4. I have considered the rival submissions advanced by both the parties. I have perused the materials placed before this Court at the time of hearing.

5. It appears that after framing of charge by the learned trial Court, evidence taking process has already been completed and the next date is fixed for examination of the accused persons under Section 313 Cr.P.C. Moreover, this accused petitioner is in custody for a considerable period of time. So no purpose will be served by detaining further this accused petitioner behind the bar.

6. Considering the long detention of the accused petitioner behind the bar and also the fact that evidence taking process has been completed, this petitioner is to be enlarged on bail.

7. Accordingly, I direct that the petitioner, namely, **Sonu Shaw**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Additional Chief Judicial Magistrate, Kalyani, Nadia. The petitioner shall appear before the trial Court on every date of hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall not leave the jurisdiction of Kalyani Police Station and shall not commit any cognizable offence in any manner whatsoever while on bail.

8. In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel the bail in accordance with law without further reference to this Court.

9. The application for bail is, thus, **allowed**.

10. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

11. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Prasenjit Biswas, J.)