

30.05.2025
Court No.6
Item No.10
BD/jayanta

CRM (M) 556 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 Sessions Case no. 425 (8) of 2023 arising out of Bhimpur Police Station Case No 398 of 2022 dated 5.10.2022 under Sections 452/323/325/354/354B/302/506/34 of Indian Penal Code.

And

In the matter of: **Biswajit Ghosh @ Kada Ghosh**

....Applicant/Petitioner.

Ms. Karabi Roy

..for the petitioner

Mr. Rana Mukherjee

Ms. Sima Biswas

..for the State

1. This Court has heard learned advocate for the petitioner, learned advocate for the State at length.
2. This Court has also considered the entire materials placed before this Court including the materials as available in the case diary.
3. It reveals that the present accused petitioner is languishing in Judicial Custody for 31 months or more.
4. It reveals further that charge as against the present accused petitioner as well as against the other co-accused persons were framed on 06/06/2024.

5. It reveals further that as of now out of 34 charge sheeted witnesses only one witness has been examined.
6. Admittedly the present accused petitioner's application was rejected by a Division Bench of this Court on 28/05/2024.
7. On careful consideration of the entire materials as placed before this Court it appears that the incident occurred on account of a village dispute. In course of investigation the present accused petitioner's involvement in the alleged crime is found *prima facie* prominent.
8. However, considering the fact that the present accused petitioner is languishing in Judicial custody for more than 31 months and also considering the fact that there is bleak chance of conclusion of the trial in the near future and keeping in mind that on behalf of the State no case has been made out that in the event that the present accused petitioner is enlarged on bail he may abscond and/or he may tamper with the evidence, this Court is inclined to take a lenient approach.
9. Accordingly, it is ordered that the petitioner, namely, **Biswajit Ghosh @ Kada Ghosh**, 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, 5th Court, Krishnagar, Nadia and also on condition that the present accused petitioner shall appear before the learned Trial Court on each and every date of substantive hearing and

shall not commit any threat and/or inducement to the charge sheeted witnesses.

10. It is made clear that in the event any of the conditions of bail as imposed by this Court is violated by the accused, learned Trial Court is at liberty to cancel the bail of the present accused petitioner without any further reference to this Court.
11. With the aforementioned observation the CRM (M) 556 of 2025, is disposed of.

(Partha Sarathi Sen J.)