

02.07.2025

Item No.34
Court No. 25
Sudipta
Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
APPELLATE SIDE

CRM (M) 727 of 2025

In Re : *An application for bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 filed in connection with
New Alipore Police Station Case no.138 of 2019 dated
26.06.2019 under Sections 364A/170/382/387/307/34 of
IPC & 25 (1B) (a) of the Arms Act.*

-AND-

In Re : **Tapan Saha @ Mama**

.....Petitioner

For the Petitioner :

Mr. Sourav Mondal

Mr. Arijit Bhuiya

Mr. Abhirup Halder

Mr. Rony Mondal

.....Advocates

For the State :

Mr. Bitashok Banerjee

Mr. Dipankar Mahata

.....Advocates

1. Learned counsel for the petitioner submits that co-accused Sambhu Sawai and Sanjoy Roy @ Lebu Sanjoy have been granted bail by this Court on 19th May, 2025 and 26th June, 2025 in CRM (M) 57 of 2025 and CRM (M) 641 of 2025 respectively. Learned counsel submits that the petitioner is similarly circumstanced. Learned counsel further submits that the petitioner is in custody for more than six years. Learned counsel submits that out of 22 witnesses only 11 examined.

2. Learned counsel for the State has opposed the bail application. Learned counsel submits that in case the petitioner is released on bail, he may not attend the learned Trial Court. Learned counsel for the State has also opposed the bail also on the ground of criminal antecedents.
3. The Court has considered the submissions. The petitioner is in custody since 26th June, 2019. There are no criminal antecedents. Admittedly, the de facto complainant had been examined. The Apex Court has time and again emphasized that long incarceration of the accused persons on the ground of delayed trial is to be deprecated. This Court also while admitting bail of two co-accused Sambhu Sawai and Sanjoy Roy @ Lebu Sanjoy took into account the period of incarceration.
4. Thus, without going into the merit of the case and taking into account the period of incarceration and the fact and the trial may continue for long time, the bail prayer of the petitioner is **allowed.**
5. Accordingly, the petitioner is 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, South 24 Parganas, subject to condition that the petitioner shall appear before the learned Trial Court on every date of hearing fixed by the learned Trial Court and shall not tamper with the evidence or intimidate witnesses in any manner whatsoever and on further condition that the

petitioner shall remain outside the jurisdiction of New Alipore police station and shall furnish the mobile number and also the address where he shall reside before the learned Trial Court, the Investigating Officer and the concerned Officer-in-Charge of the police station under whose jurisdiction he shall reside. The petitioner shall not travel abroad without prior permission of the learned Trial Court.

6. CRM (M) 727 of 2025 stands disposed of.
7. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Dinesh Kumar Sharma, J.)