

**24.06.2025**

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jb.

jdt.

**Allowed**

**C.R.M. (R) 64 of 2025**

In Re : An Application under Section 439 of the Code of Criminal Procedure/under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Bhatpara Police Station Case No. 245/24 dated 26.04.2024 under Section 406 of the Indian Penal Code.

And

In Re : Bishal Shaw & Anr.

Mr. Mayukh Mukherjee

Ms. Shyanti Podder

... For the Petitioners.

Shaila Afreen

Ms. Eshita Dutta

... For the State

Heard learned counsels for the parties.

The petitioners are the brother in law of the defacto complainant and his friend. They were granted interim bail by the learned Additional Chief Judicial Magistrate, Barrackpore which was subsequently cancelled by the order passed on 22<sup>nd</sup> May, 2025.

Learned counsel for the petitioners submits that the sister of the first petitioner who is the wife of the defacto complainant lodged two criminal complaints against him. As retaliation the present complaint has been lodged. The interim bail of the petitioners was cancelled on the basis of a photograph produced before the learned Magistrate which depicted use of the motor bike of the complainant by the petitioners.

Learned counsel for the State opposes the prayer.

The first petitioner is the brother in law of the complainant and there are litigations between the parties. The petitioners were on interim bail by the learned Magistrate which was subsequently cancelled merely on the ground that a photograph in the case diary showed use of the complainant's motor bike by the petitioners. It appears that the petitioners have not been identified in the said photograph.

Considering the material on record and extent of complicity of the petitioners in the alleged offence, this Court is inclined to hold that further detention of the petitioners is not required. They may be granted bail.

Accordingly, the prayer for bail is allowed.

The petitioners namely Bishal Shaw and Sagar Tanti shall be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Barrackpore, North 24 Parganas subject to condition that they shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court and shall not tamper with evidence or intimidate witnesses in any manner whatsoever.

In the event the petitioners fail to appear before the learned trial Court on any date fixed for hearing without any justifiable cause, the learned trial Court shall be at liberty to

cancel their bail in accordance with law without further reference to this Court.

The application for bail is 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.)**