

43. 03.07.2025
Court
No. 25 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (M) 852 of 2025

In Re: - An application for bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Tarakeswar** Police Station Case No. **81/2025** dated **10.03.2025** under Sections **109/117(2)/3(5)/329(4)/351(2)/352** of the Bharatiya Nyaya Sanhita, 2023. Charge-sheet No. 128/2025 dated 08.09.2025 under Sections **109/117(2)/3(5)/329(4)/351(2)/352** of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: - **Sk. Raju @ Sekh Saugat Ali & Ors.**

...petitioners.

Mr. Sabir Ahmed
Mr. Tasnim Ahmed
Mr. Dhiman Banerjee
Mr. Ezaz Ahmed

...for the petitioners.

Mr. Soumik Ganguli
Ms. Rajashree Tah

...for State.

1. Learned Counsel for the petitioners states that in fact the petitioners were assaulted by the *de facto* complainant and others, on 9th of March, 2025, at around 5:30 p.m. at the residence of the petitioner no.3, in village Naskarpara, Police Station - Tarakeswar. The petitioners lodged a complaint against the *de facto* complainant and others with the Tarakeswar Police Station which was registered as FIR No.82/2025 dated 10th of March 2025.
2. Learned Counsel submits that the *de facto* complainant has been admitted to bail in the case registered as Tarakeswar Police Station Case No.82/2025 dated 10th of March 2025.

3. Learned Counsel submits that the *de facto* complainant lodged a false complaint being the present Case No.81/2025 dated 10th of March 2025, alleging an incident of 9th of March, 2025, in between 8:30 to 8:45 p.m., wherein the present petitioners, who have been in custody for more than 100 days, have been denied bail. He submits that charge-sheet has already been filed and trial is in progress.
4. Learned State Counsel submits that the *de facto* complainant, in the present case, has suffered serious injuries. Learned Counsel, however, fairly submits that they have now been discharged.
5. Considering the nature of injuries and in view of the fact that investigation is complete and charge-sheet has already been filed and trial is in progress which may take a long time, the petitioners are admitted to bail.
6. Accordingly, the petitioners, namely, **1. Sk. Raju @ Sekh Saugat 2. Sk. Imran, 3. Mujibaor Rahaman Khan, 4. Kayem Khan** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Chandernagore, Hooghly, subject to condition that the petitioners shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita,

2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

7. In the event the petitioners fail to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.
8. The application for bail being CRM (M) 852 of 2025 is accordingly disposed of.
9. Criminal Section is directed to make available urgent photostat certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

(Dinesh Kumar Sharma, J.)