

Item No.25

Ct.No.34

rc.

Allowed

C.R.M. (M) 874 of 2025

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Budget Police Station Case No. 252 of 2023 dated 12.08.2023.

And

In Re : **(1) Amit Mistri**
(2) Avik Sardar @ Fatick

... Petitioners

Mr. Sourav Chatterjee
Mr. Azam Khan
Mr. Soumya Nag
Mr. Rajdeep Sengupta

... for the Petitioners

Mr. Debasish Roy
Mr. Bitashok Banerjee
Mr. Sandip Kundu

... for the State

Mr. Ranajit Roy
Mr. Satadru Lahiri
Mr. Avik Ghatak
Mr. Safdar Azam
Mr. Poulam Dey
Ms. Afreen Begum
Mr. Sk. Hasiful Islam

...for the defacto complainant

Heard learned counsels for the parties.

The petitioners are in custody for more than two years and pray for bail.

Learned counsel for the petitioners submits that no specific role has been attributed to the petitioners by the witnesses. The evidence on record does not implicate the petitioners.

Learned counsels for the State and the defacto complainant oppose the prayer.

I have considered the material on record. Sixteen witnesses have been examined. Though the petitioners may have been present at the spot at the time of alleged occurrence, no specific overt act has been attributed to them by any of the witnesses. The witnesses have specifically named the principal assailants who slit the throat of the victims and assaulted them. Only official witnesses are left to be examined.

Material available on record does not justify further detention of the petitioners.

Accordingly, prayer for bail is allowed.

The petitioners **(1) Amit Mistri** and **(2) Avik Sardar @ Fatick**, 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, Alipore subject to condition that they shall remain outside the jurisdiction of Budge Budge Police Station and shall furnish the address where they shall presently reside before the learned trial Court, Investigating Officer and the Officer in Charge of the concerned police station under whose jurisdiction they shall henceforth reside. They shall appear before the learned trial Court on every date of hearing. They shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioners fail to adhere to any of the conditions mentioned above without 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, thus, disposed of.

Case Diary is returned.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)