

02.12.2025

Item No.8

Ct.No.35

dc.

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL APPELLATE JURISDICTION

C.R.A. (SB) 115 of 2025

In Re : An Application under Section 14A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act filed in connection with Nandigram Police Station Case No. 436 of 2024 dated 23.05.2024 under Sections 341/325/326/307/302/506/34 of the Indian Penal Code and Section 3 of the Scheduled Castes & the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

And

In Re : **Palash Bhunia and another**

... Appellants.

Mr. Milon Mukherjee, Sr. Adv.,
Mr. Biswajit Manna

... For the Appellants/Petitioners.

Mr. Arijit Ganguly,
Mr. Sachit Talukdar

... For the State.

Mr. Moyukh Mukherjee,
Ms. Sagnika Banerjee,
Mr. Soumya Raha

... For the *de facto* complainant.

Learned senior advocate appearing for the appellants/petitioners submits that the petitioners are in custody from May, 2024 and the investigation of the case has already been concluded, charge-sheet has been submitted and subsequently charges have also been framed in connection with the instant case. It has been emphasised that petitioners' prayer for bail was earlier rejected on the grounds that there were seizures from the present petitioners while the other accused persons who have been granted bail, no seizures were made. On behalf of the petitioners, it has also been pointed out that there are 43 witnesses to be

examined in support of the prosecution case. Consequently there is no chance of the trial having been concluded as till date, not even a single witness has been examined.

Learned advocate appearing for the *de facto* complainant has expressed his dissatisfaction regarding the manner in which the investigation has been conducted and it has been complained that the principal accused persons have been left out along with the fact that neither the statement of the injured viz. Sanjoy Ari has been recorded nor the injured has been cited as a witness by the prosecution. According to the *de facto* complainant, release of the petitioners on bail would jeopardize whole of the prosecution evidence, the foundation of which is based on biased political administrative lapse.

Learned advocate appearing for the State has produced the case diary and submitted that charges were framed in the month of July, 2025 and the next date was fixed on 17.11.2025. However, no witness till date has been examined by the learned court. The State contends that the petitioners are not similarly situated as other accused persons who have been granted bail as there were recoveries of bamboo and iron rod on the statements made by the accused persons. The said weapons were used at the time of commission of the alleged offence. The State has opposed the prayer for bail and submits that release of the petitioners would be an impediment for continuation of the trial.

I have taken into account the statements of the witnesses particularly in the background of two of the accused persons who have been granted bail viz., Kartik Dolai @ Kartik Dolui and Krishnakanta Sheet @ Krishnapada Sheet. On assessment of the accusations which have been made, I find that the petitioners are similarly situated.

It has been alleged that the other two accused persons were also involved in assaulting the injured person along with the present petitioners. Having considered the locus of the present petitioners along with the others who have been granted bail and the accusations relating to the nature of the weapons used at the time of commission of the alleged offence do not inspire this Court for further detention of the present petitioners. Consequently, the prayer for bail of the present petitioners is **allowed**.

Accordingly, the appellants/petitioners viz., 1. **Palash Bhunia** and 2. **Tarun Ojha @ Babu Ojha** shall be released on bail upon furnishing bond of Rs.20,000/- each, with two sureties of Rs.10,000/- each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Purba Medinipur.

If on bail, the petitioners shall meet with the Inspector-in-Charge, Nandigram Police Station once in a week till further orders of this Court.

The petitioners shall also be physically present on each and every date so fixed by the learned Trial Court and

shall not leave the jurisdiction of the district of Purba Medinipur without the leave of the learned Trial Court.

Report submitted by the learned advocate for the State be kept with the record.

Case diary be returned to learned advocate appearing for the State.

The application for bail, being CRA (SB) 115 of 2025, is, thus, disposed of.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

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

(Tirthankar Ghosh, J.)