

05.03.2025
Item No.146
Monthly List
Court No. 26
CHC
(dismissed)

CRM (DB) 2547 of 2024

In re : An Application for **cancellation** of Bail under Section 483(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (previously Section 439(2) of the Code of Criminal Procedure, 1973) in connection with **Dakhineswar** Police Station Case No. **138 of 2023** dated **29.06.2023** under Sections 341/342/325/326/307/120B/34 of the Indian Penal Code, 1860 read with Sections 25/27 of the Arms Act, 1959.

-And-

In the matter of : **Aritro Ghosh**

... ...**Petitioner**

Mr. Phiroze Edulji, Senior Advocate
Mr. Souvik Mitter, Advocate
Mr. Sandip Chakraborty, Advocate
Mr. Soumik Ganguly, Advocate
Mr. Antarikhya Basu, Advocate
Mr. Sujit Gupta, Advocate
Mr. Soukteya Ganguly, Advocate
... ... For the Petitioner

Mr. Debasish Roy, Ld. P.P.
Mrs. Faria Hossain, Ld. A.P.P.
Ms. Debadrita Mondal, Advocate
... ...For the State

Mr. Sabyasachi Banerjee, Senior Advocate
Mr. Pratim Priya Dasgupta, Advocate
Mr. Bikram Mitra, Advocate
Ms. Aishi Chatterjee, Advocate
...For the opposite party nos.2 and 3

1. Petitioner seeks cancellation of bail granted by the order dated September 16, 2023 passed by the learned Additional Chief Judicial Magistrate, Barrackpore.
2. Learned Senior Advocate appearing for the petitioner submits that, there are numerous criminal antecedents so far as the private parties are concerned. He submits that, prayer for bail made in CRM(DB) 4283 of 2024 is in respect of another police case by the private opposite party was turned down by the High Court on February 27, 2025.
3. Learned Senior Advocate appearing for the petitioner submits that, petitioner suffered grievous hurt in an incident of assault. His client was shot at. The worker who was accompanying the petitioner, since the petitioner was admitted in the hospital due to the nature of injury suffered, lodged complaint with the police. Such worker was subsequently won over by the private opposite parties as will appear from the noting in the order dated September 16, 2023.
4. Learned Public Prosecutor draws the attention of the Court to the injury report of the petitioner as well as the materials in the Case Diary.
5. Learned Senior Advocate appearing for the private opposite parties submits that, the private opposite parties were enlarged on bail on September 16, 2023 when the charge sheet was not submitted. Charge sheet was filed on October 27, 2023. Supplementary charge sheet was filed on May 23,

2024. The private opposite parties were arrested on July 1, 2024 and July 3, 2024 in respect of another police case which resulted in the order of rejection of the prayer for bail on February 27, 2025. A G.D. Entry made on July 10, 2024 and thereafter, the application for cancellation of bail was made.

6. We considered the rival contentions of the parties and materials on record.
7. One person suffered injuries in an incident of assault. Such injured person stated before the Doctor that there was a physical assault. Injured suffered multiple fracture over the right elbow and fracture over his right elbow.
8. Police filed charge sheet and supplementary charge sheet subsequent to the private opposite parties being enlarged on bail.
9. There are criminal antecedents so far as the private opposite parties are concerned. So also there are number of criminal antecedents so far as the petitioner is concerned.
10. On September 16, 2023, when bail was granted by the jurisdictional Court, the charge sheet was not available. Jurisdictional Court took into account the nature of the incident, period of detention and the advancement of the investigation and proceeded to grant the order of bail to the private opposite parties.
11. Materials in the Case Diary does not suggest requirement of custodial trial of the private opposite parties.
12. The order granting bail cannot be said to be perverse.

13. In such circumstances, we are not minded to intervene with the order granting bail.

14. CRM(DB) 2547 of 2024 is **dismissed**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)