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C.R.M. (M) 1470 of 2025

In Re: An application for Bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Ashokenagar Police Station Case No.188 of 2025 dated 21.03.2025 under Sections 318(4)/316(2)/308(2)/118(2)/111(2)/143(3) and 3(5) of the BNS Act and U/S.18/19/21 of Transplantation of Human Organs and Tissues Act, 2023 and charge-sheet submitted under Sections 318(4)/316(2)/308(2)/111(2)/143(3) and 3(5) of the BNS Act;

Bikash Ghosh @ Shital
Versus
The State of West Bengal

With

C.R.M. (M) 1236 of 2025
With
CRAN 1 of 2025

In Re: An application for Bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Ashokenagar Police Station Case No.188 of 2025 dated 21.03.2025 under Sections 318(4)/316(2)/308(2)/111/3(5) BNS and 18/19/20 Transplantation of Human Organs and Tissues Act, 1994 and Charge-sheet submitted under Sections 318(4), 316(2), 308(2), 111(2), 143(3), 3(5) BNS Act;

Gour Sardar
Versus
The State of West Bengal & Anr.

With

C.R.M. (M) 1483 of 2025

In Re: An application for Bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Ashokenagar Police Station Case No.188 of 2025 dated 21.03.2025 under Sections 318(4)/316(2)/308(2)/118(3)/111(2)/3(5) of the BNS, 2023 and Sections 18/19/21 of the Transplantation of Human Organs and Tissues Act, 2023 and adding Section 143 of BNS and charge-sheet submitted under Sections 318(4)/316(2)/308(2)/111(2)/143(3)/3(5) of BNS, 2023;

Gurupada Jana @ Amit
Versus
The State of West Bengal

With

C.R.M. (M) 1557 of 2025

In Re: An application under Section 483(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 for cancellation of bail;

The State of West Bengal

Versus

Pradip Kumar Bar

Mr. Soubhik Mitter

Mr. Joy Chakraborty

Ms. Ipsita Ghosh.

...for the petitioner in CRM(M) 1470 of 2025.

Mr. Sabyasachi Mukherjee

Mr. Mrinmoy Nandy

Ms. Debjani Chakraborty

Mr. Ranabeer Halder

Mr. Siddharta Kundu.

...for the petitioner in CRM(M) 1236 of 2025.

Mr. Milon Mukherjee

Mr. Amitabha Karmakar

Mr. Arup Kumar Bhowmick.

...for the petitioner in CRM(M) 1483 of 2025.

Mr. Joydeep Biswas

Mr. Ratul Ghosh.

...for the State in CRM(M) 1470 of 2025.

Mr. Debasish Roy, Ld. P.P.

Ms. Anasuya Sinha

Ms. Suparna Chatterjee.

...for the State in CRM(M) 1236 of 2025.

Ms. Sreyashee Biswas

Ms. Puja Goswami.

...for the State in CRM(M) 1483 of 2025.

Mr. Debasish Roy, Ld. P.P.

Ms. Anasuya Sinha

Ms. Puja Goswami.

...for the petitioner/State in CRM(M) 1557 of 2025.

Learned advocate appearing for the petitioner in CRM(M) 1470 of 2025 submits that he is in custody for more than 8 months and he has been falsely implicated in connection with the instant case. The accusations were afterthought and the petitioner has suffered with the criminal case after lending out money to the persons who have implicated him falsely.

Learned advocates appearing for the petitioners in CRM(M) 1236 of 2025 and CRM(M) 1483 of 2025 submit that the petitioners have been shown as facilitators to the crime who have created the chain for collecting kidney from the intending victims and donating the same to unknown persons. The whole process from obtaining permission from the Government Departments through the doctors along with the test to be carried out were alleged to have been conducted by the present petitioners. It has been submitted that none of the Government servants nor any Medical Officers nor anybody who has conducted the operation has been implicated in connection with the instant case, as such, the petitioners may be released on bail.

Learned Public Prosecutor has produced the case diary as well as the examination-in-chief of 4 witnesses examined in connection with the instant case.

Having considered the locus of the petitioner in CRM(M) 1470 of 2025, I am not inclined to release the petitioner, namely, Bikash Ghosh @ Shital on bail. Accordingly, The prayer for bail of

the petitioner in CRM(M) 1470 of 2025 is dismissed at this stage.

So far as the petitioners, namely, Gour Sardar and Gurupada Jana @ Amit (CRM(M) 1236 of 2025 and CRM(M) 1483 of 2025) are concerned, their prayer for bail is allowed.

Accordingly, the petitioners, namely, Gour Sardar and Gurupada Jana @ Amit shall be released on bail upon furnishing bond of Rs.20,000/- (Rupees Twenty Thousand only) each with two sureties of Rs.10,000/- each, one of whom must be local to the satisfaction of the learned ACJM, Barasat.

If on bail, the petitioners namely, Gour Sardar and Gurupada Jana @ Amit shall be physically present on each and every date fixed by the learned trial court. Petitioners, namely, Gour Sardar and Gurupada Jana @ Amit shall not leave the jurisdiction of the sub-division of Barasat without prior permission of the learned special court.

Accordingly, CRM(M) 1236 of 2025 and CRM(M) 1483 of 2025 are allowed.

Thus, CRAN 1 of 2025 is disposed of.

In Re: CRM(M) 1557 of 2025.

In view of the observations which have favoured the petitioners namely, Gour Sardar and Gurupada Jana @ Amit in CRM(M) 1236 of 2025 and CRM(M) 1483 of 2025 are concerned, I am not inclined to interfere with the order of bail granted to the opposite party in CRM(M) 1557 of 2025. I am of the opinion that the learned court while granting bail exercised its discretion on the basis of materials which are reasonable and cogent and calls for no

interference of this Court.

Accordingly, CRM(M) 1557 of 2025 is dismissed at this stage.

All 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 of all requisite formalities.

(Tirthankar Ghosh, J.)