

25.09.2025

23

jb.

jdt.

Allowed

C.R.M. (M) 1590 of 2025

In Re : An Application under Section 439 of the Code of Criminal Procedure/under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Goalpokher Police Station Case No. 530/2023 dated 21.09.2023 under Sections 302/212/120B of the Indian Penal Code read with Sections 25(i)(a)/27/35 of the Arms Act.

And

In Re : Vikash Kr. Choudhury @ Bikash Kumar Chowhury

Ms. Minoti Gomes

Imdadul Hoque

... For the Petitioner.

Mr. Bitasok Banerjee

Mr. Atulya Sinha

... For the State

Heard learned counsels for the parties.

Bail prayer of the petitioner was turned down by this Court on 18th June, 2025. Thereafter one of the co-accused was granted bail on 28th August, 2025. In the earlier order dated 18th June, 2025 learned counsel for the State submitted that the prosecution would examine 7 more witnesses and trial would be concluded in another two months from the said date. However, it is recorded in the order dated 28th August, 2025 that the prosecution proposed to examine 14 more witnesses.

The petitioner appears to be a co-conspirator in the alleged incident. No recovery has been made from him. There is little possibility of conclusion of trial in near future.

This Court is informed that State shall file Special Leave Petition before the Hon'ble Supreme Court for

cancellation of bail granted to the co-accused on 28th August, 2025 in CRM (DB) 486 of 2025. However, no such document is produced by the State.

Considering the change in circumstances of the case, material available on record as well as slow progress in trial, this Court is inclined to hold further detention of the petitioner is not required. He may be released on bail subject to stringent conditions.

Accordingly, the prayer for bail is allowed.

The petitioner namely Vikash Kr. Choudhury @ Bikash Kumar Chowhury shall be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Islampur, Uttar Dinajpur subject to condition that he shall remain within the jurisdiction of the learned trial Court and shall furnish the address where he shall presently reside before the learned trial Court, the investigating officer and the concerned officer in charge of the police station under whose jurisdiction he shall presently reside. He shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court. He shall not tamper with evidence or intimidate witnesses in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stated hereinabove, the learned trial Court shall

be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is disposed of.

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

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

(Suvra Ghosh, J.)