

10.11.2025
Court No.35.
D/L. 25.
Rakib
(Allowed)

CRM (M) 1622 of 2025

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Labpur Police Station Case No. 144 of 2024 dated 22.08.2024 under Sections 126(2)/118(2)/109(1)/61(2)(a) of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of : Jadab Sk @ Yadav Sk.

.....Petitioner.

Mr. Milon Mukherjee, Sr. Adv,
Mr. Dattatreya Dutta
Mr. Robiul Islam

.....for the Petitioner.

Ms. Amita Gour
Ms. Madhumita Basak

.....for the State.

Mr. Joy Chakraborty
Ms. Ipsita Ghosh

...for the de-facto complainant

Learned senior advocate appearing for the petitioner submits that the petitioner is in custody for one year and two months and another accused namely, Md. Lothibuddin @ Bulon Mia has been granted bail by the Hon'ble Supreme Court. It has been submitted on behalf of the petitioner that both the petitioner and the person who has been granted bail are situationally and similarly placed, as such the petitioner may be granted bail.

On the other hand learned advocate appearing for the State has opposed the bail and submitted that it is the petitioner who led the number of assailants and was involved in inflicting fatal blow which resulted in grievous injury of the

victim. It has also been pointed out that the injured has suffered for a considerable period of time and the petitioner is not similarly placed as other accused who has been granted bail.

I have considered the materials in the Case Diary as well as the submissions of the learned advocate appearing on behalf of the State. Having considered that one of the main reasons which weighed with the Hon'ble Apex Court was the period of detention of the co-accused who has been granted bail and the subsequent attention of the Court being drawn by the State that the case has been stayed by a Coordinate Bench on an application advanced by the co-accused (Md. Lothibuddin @ Bulon Mia), I am of the opinion that at this stage considering the period of detention of the petitioner, he may be released on bail. Accordingly, the prayer for bail of the petitioner is allowed.

Petitioner shall furnish bond of Rs. 20,000/- (Rupees Twenty Thousand only), with two sureties of Rs. 10,000 (Rupees Ten Thousand only) each, one of whom must be local to the satisfaction of the learned Additional Sessions Judge, Bolpur, Birbhum.

If on bail, the petitioner shall attend the learned Trial Court on each and every date fixed. The petitioner shall not leave the jurisdiction of District of Birbhum without the leave of the learned Trial Court or the Court in seisin of the instant case.

Accordingly, CRM (M) 1622 of 2025 is allowed.

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

All parties shall act in terms of server copy of the order 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.)