

03.11.2025

Item No.21

Ct.No.35

dc.

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M. (M) 1792 of 2025

In Re : An Application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Naihati Police Station Case No. 272 of 2024 dated 30.09.2024 under Sections 103(1)/3(5) of the Bharatiya Nyaya Sanhita, 2023.

And

In Re : **Sandhya Das and another**

... Petitioners.

Mr. Tapan Dutta Gupta,
Mr. Parvej Anam,
Ms. Rituparna Ghosh,
Mr. Sourav Sardar

... For the Petitioners.

Mr. Avishek Sinha,
Ms. Sima Biswas

... For the State.

Petitioners are the wife and son of the deceased who are in custody since 1st October, 2024.

Learned advocate appearing for the petitioners submits that case has already been committed to the court of sessions, charge has already been framed and date has been fixed for evidence. On behalf of the petitioners, on any stringent condition, bail has been prayed for as there is no scope for the trial being concluded in near future and the petitioners are in custody for more than 13 months.

Learned advocate appearing for the State opposes the prayer for bail and submits that there is direct complicity of the present petitioners; the materials collected by the investigating officer too also establish the overt acts as well

as the manner in which the deceased was murdered. According to the State, the evidence is about to commence. As such, at this stage, if the petitioners are released on bail, there is every possibility of the trial being jeopardized.

I have taken into account the materials on record and I find that there was a family dispute existing as is reflected from the evidence of different witnesses. I have also taken into account the weapons so used and the fact that there are no antecedents of the present petitioners. Further, there is hardly any possibility of the trial being concluded in near future as more than 19 witnesses are to be examined.

Considering the aforesaid facts and circumstances, I am inclined to release the petitioners on bail. As such, the prayer for bail of the petitioners is **allowed**.

Accordingly, the petitioners viz., **Sandhya Das** and **Rohan Das** 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 Additional Chief Judicial Magistrate, Barrackpore.

If on bail, the petitioner no.2 shall meet the Inspector-in-Charge/Officer-in-Charge of Naihati Police Station once in every 15 days for a period of six months until and unless the Trial Court deems it fit and proper to waive such condition.

So far as both the petitioners are concerned, they are directed to be physically present on each and every date so fixed by the learned Trial Court.

In case the Trial Court at any point of time is of the opinion that the petitioners are causing impediment in progress of the trial, it would be at liberty to cancel the bail of the petitioners without further referring the matter to this Court.

The application for bail, being CRM (M) 1792 of 2025, is, thus, disposed of.

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

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.)