

Vacation
Bench
DL.05
09-10-2025
Ct. No.07
Saikat
(Allowed)

CRM(M)/1843/2025

**SAINUR SEKH AND ANR.
VS.
STATE OF WEST BENGAL**

In Re: Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita filed in connection with Raidighi P.S. Case No.569/2024 dated 05.11.2024 under Sections 103(2)/61(2)(a) of Bharatiya Nyaya Sanhita, 2023.

Mr. Soubhik Mitter, Adv.
Mr. Sabir Ahmed, Adv.
Ms. Rajnandini Das, Adv.
Mr. Narattam Acharya, Adv.

...For the Petitioners

Mr. Prasun Kr. Dutta, A.P.P.
Mr. Arani Bhattacharyya, Adv.

...For the State

Mr. Kallol Kr. Basu, Adv.
Mr. Anindya Sundar Das, Adv.
Mr. Jannat Ul. Firdous, Adv.
Ms. Paramita Mondal, Adv.

...For the *de facto* Complainant

1. The learned advocate for the petitioners, learned advocate for the *de facto* complainant and the learned advocate for the State of West Bengal are present.
2. Heard the submission of the learned advocates appearing for the parties.
3. Peruse the materials in the case diary.
4. The learned advocate for the petitioners submits that the petitioners stand on the same footing with regard to the co-accused persons who are already enlarged on bail.

5. The learned advocate for the *de facto* complainant raises strong objection.
6. The learned advocate for the State respondent submits that the earlier application for bail made on 22nd July, 2025, was rejected by a co-ordinate Bench.
7. I have perused the order of the co-ordinate Bench passed on 22nd July, 2025. I have perused the statement under section 164 Cr.P.C. of the owner of the shop where the incident took place. I have also perused the evidence of one of the witnesses. Eighteen witnesses have to be examined in the instant case. The petitioner is in custody for about ten months and it may take a considerable time to complete the trial.
8. Considering the order dated 5th June, 2025, granting bail of the co-accused persons and the statement by the shop owner where the incident took place made under section 164 Cr.P.C. where the name of the petitioners is also not mentioned, in the interest of justice, the petitioner should be granted bail in the instant case.
9. Prayer for bail is, therefore, allowed.
10. Accordingly, the petitioners shall be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount and one must be local to the satisfaction of the learned Additional Chief Judicial Magistrate, Diamond Harbor and on further condition that the petitioners shall meet the Officer-in-Charge of the concerned police station once in a week, shall not enter into the locality where the

incident took place and the *de facto* complainant resides and shall not meet the persons and/or witnesses acquainted with the instant case. In the event of violation of this order, the learned trial court will be entitled to cancel the bail.

11. The application being CRM(M) No.1843 of 2025 is, thus, disposed of.
12. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(BISWAROOP CHOWDHURY, J.)