

14.11.2025
Court No.35.
D/L. 15.
Rakib
(Allowed)

CRM (M) 1933 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 STF Police Station Case No. 01 of 2025 dated 28.01.2025 under Sections 61(2) of the Bharatiya Nyaya Sanhita, 2023 read with Section 25(1a)/25(1B)(a)/25(6)/29/35 of the Arms Act, 1959 added Section 310(4)/310(5) of the Bharatiya Nyaya Sanhita, 2023.
And

In the matter of : Rahul Yadav

.....Petitioner.

Mr. Sourav Chatterjee, Sr. Adv.
Mr. Sunny Nandy
Mr. Purnendu Maity
Ms. Yamini Tiwari

.....for the Petitioner.

Ms. Manisha Sharma
Mr. Asraf Mondal

.....for the State.

Learned advocate appearing for the petitioner submits that the petitioner was arrested on 27th of January, 2025 and till date he is in custody. Out of the nine witnesses proposed to be examined, the evidence of CSW3 is in progress. Similarly placed accused namely one Rakesh Sahani has already been granted bail, as such the learned advocate appearing for the petitioner on situational parody prays for bail.

Learned advocate appearing for the State opposes the bail and submits that the bail of another accused was rejected very recently and there are criminal antecedents, at least three criminal cases are pending of similar nature against the present petitioner.

I have taken into account the seizure list which is the fulcrum of the case and I find that the petitioner is not similarly situated as Aditya Mourya but similarly placed as Rakesh Sahani. Since, there was no recovery from the present petitioner at the place of offence, although he is alleged to be present along with other accused persons.

So far as the other cases are concerned which are pending in the State of Uttar Pradesh as has been alleged by the learned advocate appearing for the State the finality in the said cases has not been placed.

Be that as it may, having considered the period of detention, the time which will be required for completing the trial as also the locus of the present petitioner compared to other accused persons, I am of the opinion that the petitioner may be released on bail.

The petitioner namely, Rahul Yadav 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 Chief Judicial Magistrate, Calcutta. .

If on bail, the petitioner shall not leave the jurisdiction of the learned Chief Judicial Magistrate, Calcutta and meet with the Officer-in-Charge of STF, Lalbazar, Kolkata once in a week for the next one year.

Petitioner shall inform his address to the aforesaid officer of police and will physically be present on each and every date before the learned trial Court. In case the petitioner violates any conditions, learned trial Court in seisin of the case would be at liberty to cancel the bail without further reference to this Court.

Accordingly, CRM (M) 1933 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.)