

27.02.2025

DL-33

Court No.26

(Bail **Partly Allowed**)

(AD)

CRM (DB) 4283 of 2024

In re : An application for **Bail** under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with C.M.C No.657 of 2024 arising out of **Belghoria** Police Station Case No.**267** of **2024** dated **01.07.2024** under Sections **126(2)/117(2)/118(2)/109/3(5)/111** of the Bharatiya Nyaya Sanhita, 2023.

-And-

In the matter of : Shams Qamar Hussain @ Shams & Ors.

... .. Petitioners

Mr. Sandipan Ganguly, Ld. Sr. Advocate
Mr. Sabyasachi Bannerjee, Ld. Sr. Advocate
Mr. Sourav Chatterjee, Ld. Sr. Advocate
Mr. Ayan Bhattacharya, Ld. Sr. Advocate
Ms. Pratimpriya Dasgupta, Advocate
Mr. Soumen Mohanty, Advocate
Mr. Agnish Basu, Advocate
Mr. Amit Dey, Advocate

...for the petitioners

Mr. Debasish Roy, Ld. PP
Mr. Rudradipta Nandy, Ld. APP
Mr. Saryati Datta, Advocate

...for the State

Mr. Phiroze Edulji, Ld. Sr. Advocate
Mr. Souvik Mitter, Advocate
Mr. Soumik Ganguly, Advocate
Mr. Avik Ghatak, Advocate
Mr. Sandip Chakraborty, Advocate
Mr. Antarikhya Basu, Advocate
Ms. Chandreyi Dutta, Advocate

... for the de facto complainant.

1. Eleven persons are before Court seeking bail.
2. Police case relates to attempt to murder and causing grievous hurt along with organized crime.
3. Learned Senior Advocate appearing for the petitioners submits that, there are no criminal antecedents so far as petitioner nos.1,2,4,5 and 11 are concerned. He submits

that, existence of one criminal case does not qualify under Section 111 of the Bharatiya Nyaya Sanhita, 2023. He also draws the attention of the Court that, the recoveries were made from some of the petitioners.

4. Learned Public Prosecutor draws the attention of the Court to the materials in the case diary. He submits that, there is a video photograph of the entire incident and that appropriate certificate with regard to that video footage was obtained. He submits that, all the petitioners stand implicated.
5. Learned Senior Advocate appearing for the de facto complainant submits that, the petitioners against whom there are no criminal antecedents are new members of the gang. He opposes the prayer for grant of bail. He points out that, the victim was required to undergo a reconstructive surgery of her jaw.
6. One person suffered grievous hurt in an incident of assault. A reconstructive surgery of her jaw was required.
7. There are number of police cases so far as petitioner nos.3,6,7,8,9 and 10 are concerned.
8. There is one criminal antecedent so far as the petitioner no.11 is concerned.
9. Considering the criminal antecedents of such petitioners, the gravity of the offence, their involvements in the incident and the materials on record, we are not inclined to grant bail to the petitioner nos.3,6,7,8,9,10 & 11.

10. Accordingly, the prayer for bail of such petitioners, namely, petitioner nos.3,6,7,8,9,10 & 11(***Abhay Shankar Dubey @ Mintu, Jayant Singh, Krishnendu Das @ Sanu, Saikat Manna @ Janga, Rahul Gupta, Suman Dey and Sandip Sah @ Guddu***) are **rejected**.
11. So far as petitioner nos.1,2,4 and 5 are concerned, considering the fact that, there is no criminal antecedents as against them and considering their period of detention and the fact that the police filed charge sheet, we grant bail to them.
12. Accordingly, we direct that the petitioner nos.1,2,4 and 5, namely, ***Shams Qamar Hussain @ Shams, Manojit Das @ Babu, Soumen Ghoshai @ Sonu and Aditya Dey @ Pota***, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the ***Learned Additional Chief Judicial Magistrate, Barrackpore, North 24 Parganas***, subject to conditions that the petitioner nos.1,2,4 and 5 shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioner nos.1,2,4 and 5 while on bail shall not enter the jurisdiction of Barrackpore Police Commissionerate given the nature of the incident save and except for the purpose of attending court proceeding.

13. In the event, the petitioner nos.1,2,4 and 5 fail to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail of the petitioner nos.1,2,4 and 5 without further reference to this Court.
14. Accordingly, the prayer for bail of the petitioner nos.1,2,4 and 5 (***Shams Qamar Hussain @ Shams, Manojit Das @ Babu, Soumen Ghoshai @ Sonu and Aditya Dey @ Pota***) are **allowed**.
15. **CRM (DB) 4283 of 2024** is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)