

35.
Court
No.29

14.02.2025

(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 55 of 2025

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Nakashipara** Police Station Case No. **1054/2024** dated **11.11.2024** under Sections **115(2)/117(2)/118(2)/351(2)/109/3(2)** of the Bharatiya Nyaya Sanhita, 2023 (previously Sections **321/325/326/506/307/34** of the Indian Penal Code, 1860).

And
In the matter of: - **DEBRAJ HALDER AND ANR.**

...petitioners.

Mr. Sekhar Kumar Basu, Sr. Adv.
Mr. Soubhik Mitter
Ms. Rajnandini Das
Mr. Karan Bapuli

...for the petitioners.

Mr. Binay Kumar Panda
Mr. Sobhan Gani

...for State.

Dictated by Arijit Banerjee, J.

1. The petitioners say that they are in custody for 85 days. The incident arose out of a dispute between neighbours. There is case and counter-case. The process of investigation is almost complete. Their further custodial detention is not necessary.
2. Learned State Counsel draws our attention to the material in the case diary including the statements of witnesses and the medical report.
3. On an overall consideration of the material on record and the nature and gravity of the offence in question and also considering that investigation is almost complete, we are of

the view that further custodial detention of the petitioners is not necessary so long as they co-operate with further investigation, if any.

4. Accordingly, we direct that the petitioners, namely, **1. DEBRAJ HALDER 2. Debu Halder @ Debabrata Halder** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Nadia, subject to condition that the petitioners shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
5. In the event the petitioners fail to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.
6. The application for bail being CRM (DB) 55 of 2025 is accordingly disposed of.
7. Criminal Section is directed to make available urgent photostat certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)