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09-04-2025
(ct. no. 4)
KOLE
Allowed

**In the Circuit Bench at Jalpaiguri
High Court at Calcutta**

CRM (DB) 63 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Dhupguri Police Station** Case No. **562 of 2023** dated **17.11.2023** under Section **341/325/307/302** of the Indian Penal Code.

- A n d -

In the matter of : Bikash Roy & Ors.

.... Petitioners.

Mr. Joydeep Kanta Bhowmik,
Mr. D. Sarkar,
Mr. S. Kumar,
Ms. S. Das,

... For the Petitioners.

Mr. Kollol Acharjee,
Mr. Subhasish Mishra,

... For the State.

1. Learned Advocate for the petitioner and learned State Advocate are present.
2. Heard Learned Counsel for the parties. Perused the materials in the case diary.
3. Learned Advocate for the petitioner submits that the allegation under Section 302 of the Indian Penal Code is not maintainable against his clients and there are general allegations against all the accused persons and as one accused person is on bail, the prayer for bail made by petitioners be considered on the ground of parity. He further submits that the case involves examination of 16 witnesses and there is no chance of an early conclusion of the trial.

4. Learned Advocate appearing for the State opposes the bail prayer and relies upon the statement made under Section 164 of the Code of Criminal Procedure.

5. Upon considering the nature of allegations and the materials in the case diary, although it would not be proper to observe with the regard to the merits of the case but it is to be decided as to whether the petitioners should be enlarged on bail. In order to decide whether the petitioners should be released on bail, it is necessary to see the nature of offence, evidence appearing, the severity of punishment if convicted, the chance of abscondance and tampering with the witnesses.

6. In the instant case, the offence alleged is serious but considering the evidences appearing and the period of detention which is more than one year and the fact that the case involves examination of 16 witnesses which may delay the trial, this court is of the view that in the interest of justice the petitioners should be released on bail.

7. I, therefore, allow the prayer for bail made by the petitioners.

8. Accordingly, I direct that the petitioners, namely, **Bikash Roy, Shyamal Roy @ Shyamal and Dilip Roy**, shall be released on bail upon furnishing a bond of Rs. 10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Trial Court subject to condition that they shall appear before the trial court on every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973/Section 355 of the Bharatiya Nagarik Suraksha

Sanhita, 2023 and shall not intimidate the witnesses and evidence in any manner whatsoever. The petitioners shall not leave the jurisdiction of the learned Trial Court and shall meet the O.C./I.C. of the said police station once in a week and shall not meet the defacto complainant and the persons acquainted with the facts of the case until further orders.

9. In the event the petitioners fail to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioners' bail in accordance with law without further reference to this court.

10. The application for bail is, accordingly, allowed.

11. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Biswaroop Chowdhury, J.)