

CRM (DB) 123 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 Sections **341/323/302/34** of the Indian Penal Code.

- A n d -

In the matter of : Soumik Roy

.... Petitioner.

Mr. Saikat Chatterjee,
Mr. Chattu Roy,
Mr. H. Rahaman,

... For the Petitioner.

Mr. Kollol Acharjee,
Mr. Kallol Nag,

... For the State.

1. Learned Advocate for the petitioner and learned State Advocate are present.
2. Heard Learned Advocates for both the parties. Perused the materials on record.
3. Learned Advocate for the petitioner submits that his client is in custody for 446 days and although the charge is framed but the trial is yet to start. He further submits that the evidence appearing will not go to show involvement of the petitioner.
4. Learned State Advocate also draws my attention to the material in the case diary and vehemently opposes the bail prayer. However, he admits that the statement recorded under Section 164 of the Code of Criminal Procedure of Kalyan Roy, the eye-witness, the name of the petitioner is not mentioned.
5. Upon considering the facts and circumstances and that the petitioner is in custody for 446 days and upon considering the materials in the case diary and the fact that the case involves

examination of 16 witnesses and the trial is yet to start, I am of the view that further custodial detention of the petitioner is not necessary.

6. Hence, the bail prayer made by the petitioner is allowed.

7. Accordingly, I direct that the petitioner, namely, **Soumik Roy**, shall be released on bail upon furnishing a bond of Rs. 10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Chief Judicial Magistrate, Jalpaiguri subject to condition that he shall appear before the trial court on every date of substantive hearing subject to the provisions of Section 317 of the Cr. P.C., 1973/Section 355 of the BNSS, 2023 and shall not intimidate the witnesses in any manner whatsoever. The petitioner shall not leave the jurisdiction of the Dhupguri Police Station and shall meet the O.C./I.C. of the said police station once in a week and shall provide his current mobile number to the O.C./I.C. of the said police station until further orders. The petitioner shall not meet the witnesses and/or persons acquainted with the facts of the case.

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

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

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

(**Biswaroop Chowdhury, J.)**