

22. 04.04.2025
Court
No.4 (Tanmoy)

Allowed

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE
CRM (DB) 147 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 **Mathabhanga** Police Station Case No.**765/2024** dated **14.10.2024** under Sections **85/108/(3)(5)** of Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: - **Tapash Barman**

...petitioner.

Mr. Hillol Saha Podder

...for the petitioner.

Mr. Aditi Shankar Chakraborty, APP

Mr. Kallol Nag

...for the State.

1. Learned Advocate for the petitioner and learned Advocate for the opposite party/State of West Bengal are present.
2. Heard learned Counsel for the parties. Perused the materials in the case diary.
3. Learned Advocate for the petitioner submits that his client is in custody for six months and as the co-accused persons are on bail, the prayer for bail of the petitioner be considered.
4. Learned Advocate for the State draws attention of this Court to the statement recorded under Section 164 of the Criminal Procedure Code, 1973 (Section 183 of Bharatiya Nagarik Suraksha Sanhita, 2023) and submits that this petitioner is specifically alleged to have committed the offence.
5. Upon hearing learned Counsel for the parties and upon perusing the materials in the case diary this Court is of the view

that it would not be reasonable to make any observation with regard to the merits of the case but it is necessary to decide as to whether the petitioner should be granted bail.

6. In order to decide the prayer for bail it is necessary to consider the judicial pronouncements as made by the Hon'ble Supreme Court and different High Courts. It has been observed in different judicial pronouncements that in order to be released on bail the Court should consider the nature and the seriousness of the offence, the evidence available on record, the apprehension of abscondence and tampering evidence and the severity of the punishment, if the accused is convicted.
7. In the instant case, as the trial has not started and the petitioner is in custody for six months and as there is no reasonable apprehension to abscond or to tamper with evidence or intimidate the witnesses, in the interest of justice the petitioner should be released on bail. I, therefore, allow the prayer for bail made by the petitioner.
8. Accordingly, it is ORDERED that the petitioner, namely, **Tapash Barman**, shall be released on bail, upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of Rs.5,000/- (Rupees Five Thousand) each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Mathabhanga, Coochbehar, subject to condition that the petitioner 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 and on further condition that the petitioner, while on bail, shall not leave the jurisdiction of the learned Trial Court until further orders and shall not meet the persons acquainted with the facts of the case and shall not commit any act prejudicial to the trial.

9. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, his bail shall stand automatically cancelled without further reference to this Court.
10. The application for bail being CRM (DB) 147 of 2025 is accordingly disposed of.
11. Criminal Section is directed to supply urgent photostat certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

(Biswaroop Chowdhury, J.)