

36.
07-04-2025
(ct. no.04)
S. De
(Allowed)

**THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

CRM (DB) 182 of 2025

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure as amended under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Rajganj Police Station Case No. 365 of 2024** dated **14.10.2024** under **Sections 80/85** of the Bharatiya Nyay Sanhita, 2023.

And

**In the matter of : Gopal Agarwal @ Gopal Agarwalla.
...Petitioner.**

Mr. Sourav Gangully,
Mr. Somraj Paul,
Ms. Bishita Chakraborty,
Mr. Subham Ghosh,for the Petitioner.

Mr. Kallol Acharja,
Mr. Ujjwal Lucksom,
Ms. Namrata Das,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 advocates for the parties.
3. Perused the materials in the case diary.
4. Learned advocate for the petitioner submits that his client is in custody for 5 months 24 days and as the chargesheet has been submitted and the co-accused persons are on bail, the prayer for bail made by the petitioner may be considered.
5. Learned advocate for the opposite party objects the prayer for bail. It also appears that this Court earlier rejected the bail of this petitioner on 21.01.2025.
6. Upon perusal of the material in the case diary and upon submission of learned advocate for the State it appears that

the allegations against the petitioner are same as with regard to the co-accused persons. It further appears that the place where the body was found is near pond and not in any house of the petitioner. Although it would not be proper 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.

7. In order to decide as to whether the accused petitioner should be granted bail, it is necessary to consider judicial pronouncements where it is laid down that the factors to be taken into consideration while granting bail is the nature and seriousness of the offence, the evidence as appearing, the chance of abscondance, if released on bail, the repetition of the offence and tampering of witnesses.
8. In the instant case, although the charge is very serious but considering the period of detention and the also the fact that the co-accused persons are facing the same allegations are already on bail and the case involves examination of 22 witnesses which may take a long time to conclude the trial, the petitioner accused person should be granted a reasonable opportunity to remain on bail.
9. I, therefore, allow the prayer for bail made by the accused person/petitioner.
10. Accordingly, I direct that the petitioner, namely **Gopal Agarwal @ Gopal Agarwalla** 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 Trial Court, subject to the conditions that the petitioner shall meet the Officer-in-Charge of the concerned police station once in a week until further orders and on further conditions that he shall not meet the persons acquainted with the facts of the case and shall not do any act prejudicial to the trial.

11. I make it clear that these observations are only in the bail application and will not affect the trial of the case.
12. The petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
13. 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.
14. The application for bail is, accordingly, allowed.
15. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Biswaroop Chowdhury, J.)