

09.04.2025
Court No. 4
(A.Bhar)
(Allowed)

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

CRM (DB) 194 of 2025

In Re: An Application for bail under Section 483 of the
Bhartiya Nagarik Suraksha Sanhita/Section 439 of the
Code of Criminal Procedure.

And

In the matter of: Bipul Sharma @ Babu Singh
.....Petitioner.

Ms. Rima Sarkar,
Ms. Suparna Paul,
Mr. Subham Chanda,

.....For the petitioner

Mr. Aditi Shankar Chakraborty, Learned APP,
Mr. Ujjwal Luksom,
Mr. Sagnik Sankar Sikdar

.....For the State

This is an application under Section 439 CrPC read with Section 423 of Bharatiya Nagarik Suraksha Sanhita filed by the petitioner Bipul Sharma @ Babu Singh who is in custody in connection with Bhaktinagar P.S. Case No. 924/2024 dated 08-10-2024 U/S. 103(1)/238/61(2) Bharatiya Naya Sanhita 2023.

It is the contention of the petitioner that he is innocent and has been falsely implicated in the instant case. It is further contended that the entire case is based on circumstantial evidence and there is no eye witness in the instant case. Thus there is no scope of intimidating or winning over vital witnesses. It is also contended that at the conclusion of the charge sheet the Investigating Officer has prayed for liberty to file supplementary charge sheet after obtaining the forensic examination reports and it

is well settled that the forensic investigation reports are essential piece of evidence without which fair trial specifically in a case of murder cannot be conducted. It is contended that there are total 40 witnesses cited by the prosecution and there is no scope of early conclusion of trial. It is also contended that two co-accused persons are on bail and the allegations leveled against the petitioner are absolutely false and unfounded.

Heard Learned Advocate for the petitioner and Learned Advocate for the opposite party State of West Bengal perused the materials in the case diary.

Learned Advocate for the petitioner submits that the case is based on circumstantial evidence and so far the evidences collected it not justify further detention of the petitioner. Learned Advocate further submits that two co-accused persons are on bail and the prayer for bail made by the petitioner be considered.

Learned Advocate for the opposite party state objects the grant of bail and draws attention to materials in the case. Learned Advocate further submits that the petitioner does not stand in the same footing as that of the co-accused persons who are granted bail.

Upon hearing the Learned Advocates and upon perusal of the materials in the case diary it appears that although the complaint is against unknown persons but no steps were taken by the investigating authority to conduct T.I parade. Upon perusal of the recovery of articles it appears, that one jeans pant and mobile phone was seized and no other incriminating articles were recovered. It further appears that the wife of the victim Pooja Singh

in her statement made under Section 161 CrPC stated that on the date of incident she received two phone calls from the mobile phone of her husband out of which one call was made by a lady. She further stated that while talking over the phone she heard the names of all the accused persons.

Upon considering the recovery made from this petitioner and the recovery made from Monalisa Pandit and Sandeep Thakur who are on bail, and the statement of Pooja Singh, although it would not be proper to make any observation with regard to the merits of the case but it is necessary decide as to whether the petitioner should be granted bail.

It has been held in different judicial pronouncements that in order to decide bail application the factors to be taken into consideration are nature and seriousness of the offence, the evidences collected, the severity of the punishment if convicted chance of abscondence or tampering with witnesses.

In the instant case although the petitioner is charged with committing offence under Section 302 CPC but considering the materials collected against the petitioner, the period of detention which is about six months the age of the petitioner being 24 years, the number of witnesses to be examined which is 40, the fact that of two co-accused persons are on bail this Court is of the view that as there is no reasonable apprehension to abscond or tamper with evidence in the interest of justice the petitioner should be granted bail.

Hence the petitioner shall be released on bail with 2 sureties of Rs. 10,000/- each one of which must be local subject to the

satisfaction of the Learned Trial Court. The petitioner upon being released shall meet officer in charge of the concerned police station twice a week. He shall not enter into the locality where the occurrence took place and shall give the mobile number to the police station which he is using and shall not meet the witnesses. He shall not leave the jurisdiction of the Court and shall attend Court on all dates fixed.

In the event there is violation of any condition Learned Trial Court will be empowered to cancel bail without any reference to this Court.

(Biswaroop Chowdhury, J.)