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10-04-2025
(ct. no. 4)
KOLE
Allowed

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

CRM (M) 12 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. **45 of 2025** dated **31.01.2025** under Section **126(2)/115(2)/117(4)/105/3(5)** of the BNSS.

- A n d -

In the matter of : Prasenjit Roy

.... Petitioner.

Mr. Sandip Guha Roy,

... For the Petitioner.

Mr. Niloy Chakraborty,

Mr. Tapan Bhattacharyya,

... 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 his client has been falsely implicated in the instant case and his name was not named in the FIR and is subsequently implicated.

4. Learned State Advocate opposes the bail prayer and draws attention to the materials in the case diary.

5. Upon perusing the materials in the case diary it appears that the petitioner's name was not mentioned in the FIR and the allegations against the petitioner are general in nature with all other accused persons and no special overt act is attributable to the petitioner.

6. Upon considering the post mortem report and statements under Section 161 Cr. P.C. and upon hearing learned Advocates for

the parties and also considering the period of detention, this court is of the view that further custodial detention of the petitioner is not required.

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

8. Accordingly, I direct that the petitioner, namely, **Prasenjit 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 Cr. P.C., 1973/Section 355 of the BNSS, 2023 and shall not intimidate the witnesses and evidence in any manner whatsoever. The petitioner shall not leave the jurisdiction of the learned Trial Court and shall meet the O.C./I.C. of the said police station twice in a week and shall not meet the witnesses and the persons acquainted with the facts of the case.

9. 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.

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.)**