

10.04.2025  
Item no. 7.  
Court No.4.  
AB  
(Allowed)

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

**CRM (M) 30 of 2025**

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Pundibari Police Station Case No.245 of 2024 Dated 20.04.2024 under Sections 341/326/307/506/34/302 of the Indian Penal Code

And

**In the matter of : Subhash Chandra Roy @ Tena Roy**

**.....Petitioner.**

Mr. Sourav Ganguly,  
Mr. Gopal Roy,  
Ms. Rishita Chakraborty,  
Mr. Joynal Abedin .....for the Petitioner.

Mr. A. S. Chakraborty, ld. APP  
Mr. Subhasish Mishra .....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 although the petitioner's prayer for bail was earlier rejected twice on 06.11.2024 and 17.02.2025, but considering his period of detention and the fact that three co-accused persons are absconding, his bail prayer be considered.

5. Learned Advocate for the Opposite Party/State of West Bengal objects the grant of bail and submits that as Section 34 IPC is there, there is existence of common intention.
6. Upon perusal of the materials in the case diary including the statement recorded under Section 164 Cr.P.C., it appears that one out of two witnesses has mentioned the name of the petitioner. Upon perusal of the statement of Nurul Ali under Section 161 Cr.P.C., it appears that the assault on the head of the victim was caused by another co-accused person and there is no overt act with regard to the petitioner.
7. Upon perusal of the materials in the case diary and considering the period of detention of the petitioner, which is about a year, this Court is of the view that as there is no reasonable apprehension of the petitioner to abscond, his prayer for bail should be allowed.
8. Thus, the prayer for bail made by the petitioner stands allowed.
9. Accordingly, the petitioner, namely **SUBHASH CHANDRA ROY @ TENA ROY** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of Rs.5,000/-each, one of whom must be local, to the satisfaction of the learned Trial Court, and on further conditions that the petitioner upon being released on bail shall report to the Officer-in-Charge of

the concerned police station twice in a week until further orders and shall not meet the defacto complainant and the witnesses of the case and shall not enter into the locality where the occurrence took place until further orders.

10. 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 and/or commit any cognizable offence in any manner whatsoever.
11. 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.
12. The application for bail is, accordingly, allowed.
13. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

**(Biswaroop Chowdhury, J.)**

