

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

17.06.2025.
Sl. No. 11
Ct.No. 4.
sdas
(Allowed)

C.R.M.(M) 133 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 corresponding to Section 439 of
the Code of Criminal Procedure in connection with NJP P.S. Case
No. 583 of 2024 dated 15.06.2024 under Sections
302/120B/379/323/324/325/307/34 of the Indian Penal Code.

In the matter of : Tukai Roy

.... petitioner.

Mr. Subrata Karmakar
Ms. Madhumita Sarkar
Ms. Rinku Chakraborty

...for the petitioner.

Mr. Nilay Chakraborty, learned APP
Mr. Subhasish Misra

....for the State.

Mr. Debajit Kundu

.... for de facto complainant

This application has been preferred under Section 483 of
the Bharatiya Nagarik Suraksha Sanhita, 2023 (in short BNSS)
corresponding to Section 439 of the Code of Criminal Procedure in
connection with NJP P.S. Case No. 583 of 2024 dated 15.06.2024
under Sections 302/120B/379/323/324/325/307/34 of the Indian
Penal Code.

Mr. Karmakar, learned advocate appearing for the
petitioner, submits that the petitioner has been in custody for over
300 days. The charge-sheet has been filed, and the other co-accused
persons have been granted bail. He further submits that the petitioner
is a young boy, and that his prolonged incarceration may cause him

mental trauma and irreparable agony. He submits that these circumstances may be taken into consideration while deciding the bail application.

Mr. Kundu, learned advocate representing the de facto complainant, submits that one accused person, viz. Utsab Roy, after being released, had been threatening the witnesses and had attempted to tamper with them. He asserts that if the present petitioner is released on bail, he will also attempt to tamper with evidence and obstruct the course of justice.

Mr. Misra, learned advocate representing the State, produces the case diary. Relying on the materials available in the case diary, he opposes the prayer for bail. He submits that there is a specific allegation against the present petitioner and, therefore, according to him, the petitioner should not be favoured with an order of bail.

Heard the learned advocates appearing for the respective parties and perused the materials on record, including the case diary.

In the present case, charge-sheet has been submitted. The other co-accused persons, standing on the same footing, have been enlarged on bail. Admittedly, the petitioner is a boy of young age and has been in custody for more than 300 days.

Therefore, taking note of these facts, I am of the view that the present petitioner may be enlarged on bail on the ground of parity.

In view of the above, the petitioner shall be released on bail of Rs. 20,000/-, with two sureties of Rs. 10,000/- each, one of whom must be local, to the satisfaction of the learned Additional Sessions Judge, 2nd Court at Jalpaiguri, subject to the condition that he shall

appear before the trial court on every date of hearing until further orders, and shall not intimidate witnesses or tamper with evidence in any manner whatsoever, and the petitioner shall not enter the jurisdiction of the NGP Police Station without permission of the learned Trial Court.

In the event the petitioner violates any of the conditions enumerated in the preceding paragraph, the learned trial court shall have the authority to cancel his bail in accordance with law, without any further reference to this Court.

This application for bail is, thus, disposed of.

(Partha Sarathi Chatterjee, J.)