

IN THE HIGH COURT AT CALCUTTA
Criminal Appellate Jurisdiction
(Appellate Side)

C.R.A (DB) 126 of 2026

Amitava Bhanja @ Babu Bhanja & Anr.
Vs
National Investigation Agency & Anr.

Before: The Hon'ble Justice Arijit Banerjee
&
The Hon'ble Justice Apurba Sinha Ray

For the Appellants : **Mr. Sabyasachi Banerjee, Sr. Adv.**
Mr. Avik Ghatak, Adv.
Ms. Diksha Ghosh, Adv.
Mr. Dibyo Mukherjee, Adv.

For the NIA : **Mr. Arun Kumar Maity, Adv.**
Mr. Bhaskar Prasad Banerjee, Adv.
Mr. Debayan Sen, Adv.
Mr. Debasish Tandon, Adv.
Ms. Deeba Nomani, Adv.

For Orders : **24.06.2026**

Arijit Banerjee, J.:-

1. Written notes of arguments filed on behalf of the appellants as also a five-page note filed on behalf of National Investigating Agency (NIA) be kept with the records.
2. The appellants/petitioners and other accused persons were convicted under various provisions of IPC, Arms Act and the Explosives Act were sentenced to suffer imprisonment for life.
3. The crux of the prosecution case is that the accused persons conspired to abduct and murder the victim. The conspiracy was hatched in

the house of the present petitioner no. 1. He is the king pin of the crime. He is an influential person in the concerned locality. There are several protected witnesses and till such witnesses are examined, the petitioners and at any rate, the petitioner no. 1, should not be granted bail.

4. Learned Counsel for NIA submitted that the petitioners have criminal antecedents. Several cases are pending against them. Due to the gravity of the offence, investigation of the case was transferred from the State Police to NIA. There is sufficient incriminating evidence against these petitioners. They do not stand on the same footing as other convicted persons who have been enlarged on bail by the Appeal Court.

5. Learned Counsel for the petitioners argued that the petitioners are similarly circumstanced as Shyamapada Mondal, Madhusudhan Sahoo, Sagar Mondal, Biren Mondal, Nabakumar Mondal, Suvendu Bhowmik and Mohan Mondal, who are co-accused and enlarged on bail by the Appeal Court. Whereas the first four persons were granted interim bail by a Coordinate Bench on May 7, 2025, which was confirmed on June 9, 2025, the remaining three persons were granted bail by this Court on December 23, 2025. Learned Counsel drew our attention to the said orders of this Court.

6. Learned Counsel submitted that it was Manoranjan Hazra who is the principal accused/convict. He shot the victim. That the other accused were satellites around Manoranjan Hazra would appear *inter alia* from the statement of Protected Witness – F recorded under Section 161 Cr.P.C. He further submitted that the evidence on record would indicate that the accused persons who have been enlarged on bail have also been named by

the witnesses as parties to the conspiracy and as being present at the meeting held at the residence of the present petitioner no. 1 where allegedly the conspiracy to abduct and kill the victim was hatched and also at the place of occurrence. Hence, the present petitioners are entitled to claim parity with the said accused persons who have been granted bail as the alleged role of the present petitioners in the commission of the alleged offence is the same as the alleged role of the other accused persons who have been extended the privilege of bail. According to learned Counsel, it is fortuitous and of no relevance that the meeting where the conspiracy was hatched took place in the house of the present petitioner no. 1.

7. We have carefully considered the rival contentions of the parties.

8. It is true that the crime is grave. Commission of murder is always a grave crime. However, we find that at least seven accused persons have been granted bail by this Bench (3 accused persons) and a Coordinate Bench (4 accused persons). From the material on record we further see that the present petitioners and the accused persons who have been enlarged on bail have also been named by the witnesses as parties to the conspiracy to abduct and kill the victim. We do not find any material difference between the footing on which the present petitioners stand and the footing on which the accused persons who have been granted bail stand. Prima facie it appears to us that it is not of much significance that the meeting where the accused persons conspired to abduct and kill the victim incidentally took place in the house of the present petitioner no. 1. The meeting could have taken place at anybody's place or even in a public place or a river side. What we have to see is the alleged role of the accused persons in the commission

of the alleged offence. In that regard we do not see how the present petitioners are differently circumstanced compared to the accused persons who have been granted bail.

9. We further see from the statement of PW-F that he has clearly stated that Manoranjan Hazra was the king pin and the other accused persons were acting under his leadership. The statement of Lakshmi Bhunia, the wife of the deceased victim Bijoy Bhunia, and the statement of Protected Witness – A, also indicate at least *prima facie*, that Manoranjan Hazra was the leader of the gang involved in the commission of the offence. Therefore, *prima facie* it appears that these petitioners are not the principal perpetrators of the alleged crime.

10. It is also pertinent to note that there are 72 prosecution witnesses. Charge was framed as recently as on June 16, 2026. Trial is yet to start. It is anybody's guess as to when the trial will conclude. Although learned Advocate for NIA argued that all 72 witnesses may not be examined and the number could be pruned, the same is a speculative argument. The petitioners are already in custody for close to a year.

11. Although learned Counsel for NIA argued that in view of the present petitioners having criminal antecedents, bail should not be granted to them, he could not show us that the petitioners have suffered conviction in any criminal case till date. Mere pendency of other criminal cases against an accused person cannot *per se* be a factor standing in the way of grant of bail to that person in a different criminal case.

12. In the aforesaid facts and circumstances, on an overall view of the matter, we are inclined to **allow** this application.

13. In view of the above discussion, the accused persons namely, **Amitava Bhanja @ Babu Bhanja** and **Sujit Kar @ Sujit Kumar Kar** may find bail of Rs. 50,000/- each with two sureties of Rs. 25,000/- each and out of which one must be local subject to the satisfaction of Learned Chief Judge, City Sessions Court, Calcutta and also on following conditions: -

- i.** That they shall reside within the jurisdiction of New Town Police Station Kolkata in two separate premises, and shall not meet each other. They shall provide the particulars of the intending visitors to the investigating officer beforehand.
- ii.** That they shall not leave the above jurisdiction without permission of the Learned Chief Judge, City Sessions Court, Calcutta and shall appear on each and every date of hearing before the Learned Court.
- iii.** Each of them shall use only one mobile phone number and the same shall be intimated to the concerned investigating officer.
- iv.** Each of them shall meet the I.C., New Town Police Station twice in a week on different dates as would be fixed by the said Police Officer.
- v.** The concerned investigating officer shall keep a vigil on the applicants and can also monitor their phone calls.
- vi.** The applicants shall not intimidate, influence, vulnerable witnesses either by themselves or through their agents, personnel etc., and shall cooperate with the Investigating Officer in conducting further investigation, if any.

vii. In default of any of the conditions, bail granted to the applicant/applicants shall stand cancelled without any further reference to this court.

14. CRA (DB) 126 of 2026 is accordingly disposed of.

15. Urgent photostat certified copies of this Order, if applied for, be supplied to the parties on compliance of all necessary formalities.

I Agree.

(APURBA SINHA RAY, J.)

(ARIJIT BANERJEE, J.)