

Form No.J(1)

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
APPELLATE SIDE**

PRESENT:

THE HON'BLE JUSTICE TIRTHANKAR GHOSH

C.R.M. (M) 229 of 2025

Narendranath Tiwari

versus

The State of West Bengal.

For the Petitioner : Mr. Sabyasachi Banerjee, Sr. Adv,
Mr. Anirban Dutta
Mr. Avinav Rakshit
Ms. Atrayee Chatterjee

For the State : Mr. Debasish Roy, Ld. PP
Mr. Madhusudan Sur, Ld. APP
Mrs. Debjani Sahu

For the de-facto complainant : Mr. Kallol Mondal, Sr. Adv,
Mr. Ayan Bhattacharyaa, Sr. Adv,
Mr. Amit Ranjan Pati
Mr. Sunayan Ghosh
Mr. Shamit Dutta
Ms. Swastika Chowdhury
Ms. Khadijatul Kubra
Ms. Ilika Nag
Mr. Anish Goswami
Mr. Sourav Gupta
Mr. Avijit Chatterjee

Heard On : 06.03.2026

Judgement On : 06.03.2026

Tirthankar Ghosh, J. :

The present application for bail has been preferred on behalf of the petitioner in connection with English Bazar Police Station Case No. 10 of 2025 dated 02.01.2025 under Sections 103(1)/61(2)(a) of the Bharatiya Nyaya Sanhita, 2023 read with Sections 25(1)(a)/25(1-B)(a)/27(1)/35 of the Arms (Amendment) Act.

Learned advocate appearing for the petitioner submits that petitioner is in custody for 1 year 58 days and has been detained after six days of the FIR being registered. Petitioner was not named in the FIR and a story has been manufactured against the petitioner for foisting him with the present criminal case. Learned advocate submits that from the inception the petitioner has been deprived of the rights under law and was called at the police station through a Whatsapp call, detained for more than 24 hours and was shown arrested on 08.01.2025 in violation of Section 41B of the Code of Criminal Procedure. It has also been contended that the memorandum of arrest which has been furnished by the investigating agency do not contain signature of any independent witness, the same as such is not only questionable but also illegal.

Additionally it has been submitted that there are three facts which have been divulged in the letter of complaint addressed to the English Bazar Police Station for the purposes of registration of the FIR. None of the incident or facts which have been stated do bring within its fold the present petitioner and the

investigating agency on their own arrived at a finding thereby charging the petitioner for the offences complained of under Sections 103(1)/61(2)(a) of the Bharatiya Nyaya Sanhita, 2023 read with the relevant provisions of Arms Act.

Learned advocate for the petitioner challenged the transcriptions which have been relied upon, particularly, the voice recordings and contended that there was no direct conversation between the petitioner or any person which could result in any complicity thereby arraigning him as an accused within the fold of Section 61 of the BNS. Emphasis was made on the CCTV footages, the genuinity of the same, particularly with regard to the mode of collection of the said materials in a manner which suits the prosecuting agency. It has been contended that certain ante dated CCTV footages were collected and relied upon by the prosecution which has no relevance with the present case or the incident referred to and to that effect drew the attention of the Court to the cross-examination of PW13 Dr. Chitrakshya Sarkar, who is an expert.

It was further contended on behalf of the petitioner that the facts of political rivalry which has been canvassed as a ground of motive has no legs to stand as the Ward No.21 and Ward No. 22 which were the issues relating to dispute as alleged do not give any edge to either the present petitioner or the deceased. The investigating authorities have made out a case to suit their own purpose. It has been repeated and reiterated on behalf of the petitioner that there is no direct evidence against the petitioner and it is only on the basis of the purported mobile phone recordings and the CCTV footages wherein

circumstances were created and embellished for implicating the present petitioner. Petitioner from the very inception has been cooperating with the investigating agency. There has been no delay contributed either by the petitioner or his representatives and the trial is progressing, as such on any stringent conditions petitioner may be released on bail.

Learned senior advocate appearing for the de-facto complainant raises strong objection to the contentions advanced by the petitioner and submits that the telephonic conversations between the petitioner and the other co-accused persons are glaringly available as evidence. The security guard who could have been a vital witness passed away under mysterious circumstance which raises doubt regarding the influence of the petitioner in and around the locality. Out of 101 witnesses to be examined by the prosecution 56 witnesses are vulnerable witnesses who are yet to be examined. Two of the accused persons according to the de-facto complainant were seen as visiting and meeting the petitioner at his house. Informant apprehends that because of the influence of the present petitioner there is every possibility that if he is released on bail the whole of the trial would be jeopardized, as the petitioner has clout in the locality to tamper the witnesses.

Learned Public Prosecutor appearing for the State opposes the prays for bail and submit that the case was registered on 2nd January, 2025 and within the statutory period, charge-sheet has been submitted by the investigating agency inspite of huge number of scientific materials being examined which

included CCTV footages as well as voice recordings. The investigating agency has also collected materials which not only restricts the case to events which were narrated in the letter of complaint (which has been treated to be the FIR) but also extend to the monetary angle having surfaced in course of the investigation. Learned advocate added that there were seizures of CCTV footages and the evidence which has been collected so far as the transcripts are concerned, do establish a case against the present petitioner.

It has also been submitted that till date the evidence of 26 witnesses have been completed and 30 more witnesses are to be examined by the prosecution.

In this case, I find that the petitioner as well as the State intended to enter into the merits of the case including the evidence which has been deposed. However, so far as the particulars of bail are concerned, the Court is to look into the overall circumstances which may tilt in favour and/or against the liberty of the person concerned and there is no possibility of the Court, at this stage, to assess regarding the truth and/or genuinity of each and every particular evidence, which would be considered by the trial Court at the end of the trial when decision would be taken regarding conviction and/or acquittal. As such, I have glanced to the materials which have been placed before this Court.

Prima facie, the deceased met with an untimely death because of being chased and fired by Amit, Rohan and others.

Admittedly, the petitioner was not there at the spot where the overt act took place. The petitioner has been made an accused on the charges of allegedly being in conspiracy with the accused persons who were involved in the murder of the deceased. So far as the factum of conspiracy is concerned, the evidence, at this stage, as submitted by the learned Public Prosecutor reflects that there was alleged meeting of minds between the persons who were present at the spot and the petitioner who has applied for bail before this Court.

Having considered the heinousness of the offence and the incident which took place at broad daylight, I am of the view that some opportunity must be granted to the prosecution who had been smoothly carrying out the evidence till date. As such without commenting on the merits of the case, at this stage, I am not inclined to release the petitioner on bail.

Accordingly, CRM (M) 229 of 2025 is dismissed at this stage.

Case diary be returned to the learned advocate appearing for the State.

Memo of evidence submitted by the State, Written Notes of Argument filed on behalf of the Petitioner, Brief Pointers of Argument placed on behalf of the Defacto-Complainant be kept with the record.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of the judgement, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)