

S.T. 75 of 2021
[CNR No.-WBHW01-003667-2021]

Present : Asmita Samajder (J.O. Code: WB00956)
Additional Sessions Judge,
4th Court, Howrah.

Order no. 86 dated 06-09-2025

The record is put up as per of the four accused persons namely Devendra Mishra, Chandan Kumar Chowdhury, Surojit Bardhan @ Barka @ Sagar Bardhan, and Bikash Singh @ Biki, who file a bail petition on the grounds stated therein. Copy is served upon the prosecution.

Ld. P.P-in-charge representing the State and Ld. Advocates of these four accused persons are present.

CD is produced.

Accordingly, the bail petition is taken up for hearing.

By filing the instant bail petition, these four accused persons have mentioned that they are not connected to this case in any manner whatsoever and they have been detained in custody since long. According to the accused persons, they have been falsely implicated in this case due to political grudge and further stated that they have no chance of absconding or evading trial herein.

It has been further mentioned that in the bail petition that the accused persons namely Devendra Mishra and Surojit Bardhan @ Barka @ Sagar Bardhan did not move the Hon'ble High Court at Calcutta and no application under Section 439 of Cr.P.C. corresponding to Section 483 of BNSS is pending before any other higher forum. Bail petition further reveals that the accused persons namely Chandan Kumar Chowdhury and Bikash Singh @ Biki had filed applications under Section 439 of Cr.P.C. before the Hon'ble Court, and the Hon'ble Court was pleased to reject such applications of these two accused persons.

Ld. Advocates representing the accused submit during hearing that the main witness in this case has been already examined during trial, and that the injured person is being cross-examined in this case at present. According to them, these four accused persons have no connection in this case whatsoever and they have been merely implicated here based on political grudge. Ld. Advocates further mention that these accused persons are in J/C since long and hence, bail may be granted to them on any condition.

Ld. P.P-in-charge vehemently opposes the bail petition and submits that this is a very sensitive case where the charges against the accused persons are serious in nature. He further adverts that bullets were seized from victim's body after his operation and even arms were recovered in this case. Ld. P.P-in-charge further reiterates that empty cartridges were seized during investigation and injury reports were also obtained. According to him, there is no ground to release these accused persons on bail at this stage, since the injured person, being a prime witness, is still being cross-examined by the defence. Ld. PP-in-Charge then prayed for rejection of the instant bail petition.

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Perused the CD and other materials on record as well as evidence of the witnesses examined so far in this case.

It appears from the materials on record, as well as from the statements of witnesses recorded under Section 161 of the Cr.P.C., as reflected in the CD, and other documents exhibited in this case proceeding, that the allegations against these four accused persons are of a serious and grave nature. The evidence of the injured witness is still under cross-examination by the accused persons and has not yet concluded. Furthermore, the bail petitions filed by these accused persons have been repeatedly rejected by this court in the present case, vide Order no. 19 dated 01-06-2022, Order no. 51 dated 03-04-2024, Order no. 54 dated 16-04-2024, Order no. 64 dated 13-08-2024, and Order no. 67 dated 20-09-2024.

Admittedly, the bail petition of the accused person namely Chandan Kumar Chowdhury and Bikash Singh @ Biki has even been rejected by the Hon'ble Court.

Considering the overall facts and circumstances of the present case, the seriousness of the allegations levelled against these four accused persons, and the nature and gravity of the offences as borne out from the materials on record, this court is of the view that this is not a fit case for granting bail at this stage. The testimonies of the prosecution witnesses examined thus far lend prima facie support to the prosecution's case, and the cross-examination of the injured witness, who is a material witness, is still underway. At such a crucial juncture, enlarging the accused persons on bail may not only prejudice the fair progress of trial but also adversely affect the course of justice. There also exists a likelihood that these accused persons may attempt to evade the due process of law and thereby escape the legal consequences. This court thus finds no justification to release the accused persons on bail.

Accordingly, the bail petition dated today filed by the accused persons namely Devendra Mishra, Chandan Kumar Chowdhury, Surojit Bardhan @ Barka @ Sagar Bardhan, and Bikash Singh @ Biki is hereby rejected and disposed of.

CD be returned.

To date.

Dictated & corrected by me;

Sd/-

Sd/-
Additional Sessions Judge,
4th Court, Howrah.