

03.12.2025

Item No.M/L. 103
Ct.No.35
dc.

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

C.R.M. (M) 1519 of 2025

In Re : An Application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Nimta Police Station Case No. 355 of 2024 dated 14.11.2024 under Sections 64/318(4)/316(2)/115(2)/351(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 (G.R. No. 7879 of 2024).

And

In Re : **Amit Dey**

... Petitioner.

Mr. Antarikhya Basu,
Ms. Madhumita Basak

... For the Petitioner.

Mr. Subhamoy Bhattacharya,
Ms. Sanjida Sultana

... For the State.

Mr. Sourov Mondal,
Mr. Subhajit Chowdhury,
Mr. Rony Mondal

... For the *de facto* complainant.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for 330 days and although copies have been served, but till date, hardly there has been any progress in the case. It has been also pointed out on behalf of the petitioner that the *de facto* complainant has not even been cited as witness in the formal charge-sheet filed before the court. On any stringent condition, petitioner has prayed for bail as he has been falsely implicated in connection with the instant case.

Learned advocate appearing for the *de facto* complainant opposes the prayer for bail and submits that

the accused is a habitual offender and there are statements to that effect available in the case diary.

Learned advocate appearing for the State opposes the prayer for bail and submits that there are substantial materials and to that effect, learned advocate has drawn the attention of the Court to the statements recorded under Section 164 of the Code of Criminal Procedure of the *de facto* complainant as well as another lady who, according to the State, has been duped at the behest of the present petitioner both physically and financially.

Records of the case reflect that the case has already been committed to the court of sessions. However, from the record it is also available that the *de facto* complainant has not been cited as a witness which may be an inadvertent mistake on the part of the investigating officer of the case. Consequently, I direct the Inspector-in-Charge, Nimta Police Station to engage an appropriate officer for further investigation and take appropriate steps before the court of law. As such, supplementary charge-sheet be submitted by 31.12.2025.

Petitioner at this stage is not released on bail in view of the supplementary charge-sheet proposed to be filed. However, the petitioner would be released on bail after the charges are framed by the learned Trial Court.

With the aforesaid observations, the application for bail, being CRM (M) 1519 of 2025, is disposed of.

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 this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)