

10.12.2025

Item No.6

Ct.No.35

dc.

partly allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M. (M) 2327 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, 1973 filed in connection with Kaliyaganj Police Station Case No. 506 of 2023 dated 29.11.2023 under Sections 447/341/325/326/307/506/302/34 of the Indian Penal Code (G.R. No. 2609 of 2023).

And

In Re : **Najrul Islam and others**

... Petitioners.

Mr. Sekhar Kumar Basu, Sr. Adv.,
Mr. Abhijit Ganguly

... For the Petitioners.

Mr. Ranabir Roy Chowdhury,
Mr. Nirupam Dhali

... For the State.

Mr. Sandipan Ganguly, Sr. Adv.,
Mr. Sagnik Bhattacharya,
Ms. Rukser Parveen

... For the *de facto* complainant.

Learned senior advocate appearing for the petitioners submits that the petitioners are innocent of the charges and they have been falsely implicated in connection with the instant case. Petitioner nos. 1, 2 and 3 are in custody for about 2 years while the petitioner no.4 is in custody for about 1 year 11 months. Petitioners pray for bail on any stringent condition.

Learned advocate appearing for the *de facto* complainant opposes the prayer for bail.

Learned advocate appearing for the State also opposes the prayer for bail, produces the case diary and draws the

attention of the Court to the statement of the witnesses particularly under Section 164 of the Code of Criminal Procedure in respect of complicity of the present petitioners and others. It has also been pointed out that till date, charges have not been framed in connection with the instant case.

A last opportunity is granted to the State to proceed with the case. However, having considered that the petitioner no.4 is a lady and the principles of bail do in circumstances qualify a female to be considered at a different parameter than other accused persons, I am inclined to release the petitioner no.4 on bail solely on the condition that she happens to be a lady. As such, the prayer for bail of the petitioner no.4 is **allowed**.

Accordingly, the petitioner No.4 viz., **Najmuna Khatun @ Parveen** shall be released on bail upon furnishing bond of Rs.20,000/-, with two sureties of Rs.10,000/- each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Uttar Dinajpur.

If on bail, the petitioner No.4 shall be physically present on each and every date so fixed by the learned Trial Court and shall not leave the jurisdiction of the district of Uttar Dinajpur without prior permission of the learned Trial Court.

So far as the petitioners viz., 1. **Najrul Islam**, 2. **Kawsar Ali @ Kausar Ali** and 3. **Abdul Matin** are concerned, their prayer for bail at this stage is **rejected**.

Learned Sessions Judge, Uttar Dinajpur would ensure that the case may be transferred to any court where Presiding Officer is available so that the stage of consideration of charges can be overcome at the earliest. If possible, the learned Trial Court would fix regular schedule at least once in a month so that trial of the case can be taken to its logical conclusion within a reasonable period of time.

Report submitted by the learned advocate for the State be kept with the record.

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

The application for bail, being CRM (M) 2327 of 2025, is, thus, disposed of.

Registrar General, High Court, Calcutta is directed to communicate this order to the learned District Judge, Uttar Dinajpur.

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.)