

19.06.2025

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IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C.R.M.(M) No. 107 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 in connection with Matigara Police Station
Case No. 184 of 2025 dated 18.03.2025 under Sections 103(1)/61(2)(a)/3(5)
of Bharatiya Naya Sanhita, 2023.

And

In Re : Smt. Rekha Devi Gupta @ Rekha Debi Gupta petitioner

Mr. Sekhar Mukherjee
Mr. Janardan Periwal
....for the petitioner

Mr. Aditi Shankar Chakraborty, learned APP
Mr. Sourav Ganguly
... for the State

This application for bail is presented under Section 483 of the
Bharatiya Nagarik Suraksha Sanhita (in short “BNSS”) in connection with
Matigara Police Station Case No. 184 of 2025 dated 18.03.2025 under
Sections 103(1)/61(2)(a)/3(5) of the Bharatiya Naya Sanhita, 2023.

Mr. Mukherjee, learned advocate representing the petitioner, submits
that the present petitioner was not present at the place of occurrence at the
relevant point of time. According to him, the present petitioner has been
falsely implicated in this case. He further submits that the present
petitioner has been in custody for 83 days. He also submits that he has
collected information that recently charge-sheet has been submitted against
the petitioner. He prays that the present petitioner be enlarged on bail.

Mr. Ganguly, learned advocate representing the State, produces the Case Diary. Based on the materials available in the Case Diary, he opposes the petitioner's prayer for bail. He submits that the statements of the witnesses recorded under Section 183 of the BNSS has presented direct evidence against the accused person. He also submits that the post mortem report has lent support to the prosecution case. He again submits that sufficient materials are available in the Case Diary against the present accused person.

Heard the learned advocates representing both the parties and perused the Case Diary along with other materials on record. I have meticulously gone through the statements of the witnesses recorded under Section 183 of the BNSS. Post mortem report primarily shows that sufficient materials are available against the present petitioner.

Therefore, taking note of these facts, I am of the view that petitioner's prayer for bail cannot be entertained at this stage.

Accordingly, application for bail is rejected.

(Partha Sarathi Chatterjee, J.)