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IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C.R.M.(M) No. 108 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Jaigaon Police Station Case No. 242 of 2024 dated 16.11.2024 under Sections 103(1)/61(2)/3(5) of Bharatiya Naya Sanhita, 2023.

And

In Re : Pandu Rai & Anr. petitioners

Mr. Pronojit Roy

....for the petitioners (V.C)

Mr. Ujjwal Luksom

Mr. Subhasis Mishra

... for the State

This application for bail is presented under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (in short “BNSS”) in connection with Jaigaon Police Station Case No. 242 of 2024 dated 16.11.2024 under Sections 103(1)/61(2)/3(5) of Bharatiya Naya Sanhita, 2023.

Mr. Roy, the learned advocate appearing for the petitioners, submits that they are in custody for the past seven months. The charge-sheet has already been submitted, and the other co-accused have been granted bail. He, therefore, prays for bail on the ground of parity.

Mr. Luksom, the learned advocate appearing for the State, produces the Case Diary. Based on the materials available on record, he opposes the petitioners’ prayer for bail arguing that the main allegations are directed against the present two petitioners. He further submits that the other accused persons who have been granted bail are

not similarly placed and do not stand on the same footing as the present petitioners.

Heard the learned advocates representing both parties and perused the Case Diary along with other materials on record. Grant of bail on the ground of parity is not a matter of right. The role attributed to the particular accused persons must be considered while deciding an application for bail. Admittedly, the main allegations are directed against the present petitioners. Taking note of the evidence collected by the prosecution against the present two accused persons and considering their complicity, I am of the view that it would not be proper to grant bail to the petitioners at this stage.

Accordingly, application for bail is, thus, rejected.

I have been informed that the case has not yet been committed. In view thereof, the learned Chief Judicial Magistrate, Alipurduar, is requested to commit the case expeditiously.

Needless to emphasize that, after commitment, earnest efforts shall be made to expedite the trial and conclude the same at the earliest, without granting unnecessary adjournments to either of the parties.

(Partha Sarathi Chatterjee, J.)