

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri**

**16.06.2025.
07.
Ct.No.04
as
(Rejected)**

C.R.M. (M) 123 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection Sitalkuchi P.S. Case No.464 of 2024 dated 05.10.2024 under Sections 103(10)/238/61(2) of Bharatiya Nyaya Sanhita, 2023 corresponding to Sessions Case No.15 of 2025.

In the matter of : ***Uttam Singha.***
... Petitioner.

Mr. Subhasish Misra,
Mr. Satyajit Paul,
Ms. Shreya Sarkar.
...for the Petitioner.
Mr. Aditi Shankar Chakraborty, Ld. A.P.P.,
Mr. Sourav Gaguly.
...for the State.

1. This is an application presented by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (in short, BNSS) in connection Sitalkuchi P.S. Case No.464 of 2024 dated 05.10.2024 under Sections 103(1)/238/61(2) of Bharatiya Nyaya Sanhita, 2023 corresponding to Sessions Case No.15 of 2025.

2. Mr. Misra, the learned advocate appearing for the petitioner, submits that the petitioner is the son of the victim. He states that the victim's body was found on his bed with bleeding injuries, and thereafter, the petitioner was arrested on suspicion. He draws my attention to certain portions of the charge sheet and submits that it records a confession allegedly made by the petitioner. He emphasizes that a confession made while in police custody is not admissible in evidence. He further submits that the petitioner has been arrested

and implicated in the case solely on the basis of such inadmissible evidence.

3. He submits that the petitioner has no previous criminal antecedents. The petitioner has been in custody for more than 200 days, and there is no likelihood of an early conclusion of the trial. He therefore submits that, in view of these facts, the petitioner may be enlarged on bail.

4. Mr. Ganguly, the learned advocate representing the State, produces the case diary. Relying on the materials available therein, he vehemently opposes the petitioner's prayer for bail. He submits that, based on information provided by the petitioner, the weapon used in the commission of the offence was recovered from a pond. He further submits that a confession which leads to the discovery of incriminating material is admissible in evidence and can form the basis for conviction. In the present case, he contends that it would not be appropriate to release the petitioner on bail.

5. Heard the learned Advocates appearing for the respective parties and perused the materials on record, including the case diary, the seizure list, and the post-mortem report. The incriminating material, namely the weapon allegedly used in the commission of the offence, is said to have been recovered pursuant to information provided by the petitioner. The post-mortem report indicates that the death of the victim was homicidal in nature. A heavy, sharp-cutting weapon was allegedly used to commit the murder. According to the prosecution, the petitioner engaged one Alam Mia and paid him Rs. 30,000/- to kill his father, following a dispute that had arisen between them.

6. Taking into consideration the facts and materials available on record, as well as the alleged complicity of the petitioner in the offence, I am not inclined to grant bail to the petitioner at this stage.

7. Accordingly, the prayer for bail made by the petitioner is rejected.

8. At this stage, Mr. Mishra submits that the learned Trial Court has fixed the next date for framing of charge in September 2025.

9. In view of the same, the learned Trial Court is directed to expedite the trial. The petitioner shall be at liberty to approach the Trial Court for preponement of the said date, upon giving prior notice to the State. If the learned Trial Court finds such a prayer to be feasible, it may consider advancing the date and take appropriate steps for the expeditious disposal of the trial.

(Partha Sarathi Chatterjee, J.)