

IN THE HIGH COURT AT CALCUTTA  
Circuit Bench at Jalpaiguri

18.06.2025.  
Sl. No. 11  
Ct.No. 4.  
sdas  
(Allowed)

C.R.M.(M) 140 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Moynaguri Police Station Case No. 218 of 2025 dated 30.04.2025 under Sections 126(2)/64/351(2)/49/3(5) of the BNS.

In Re : Binay @ Sagar Sarkar

.... petitioner.

Mr. Saikat Chattopadhyay  
Mrs. Matan Chakraborty

...for the petitioner.

Mr. Kallol Acharjee  
Mr. Chattu Roy

....for the State.

Let affidavit of service filed in Court be kept on record.

Despite service *de facto* complainant is unrepresented.

This application has been preferred under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (in short BNSS) in connection with Moynaguri Police Station Case No. 218 of 2025 dated 30.04.2025 under Sections 126(2)/64/351(2)/49/3(5) of the BNS.

Mr. Chattopadhyay, learned advocate representing the petitioner, submits that the present petitioner has been falsely implicated in the case following a dispute that arose between the petitioner and the husband of the victim. He further submits that the petitioner has been in custody for the last 49 days. He also submits that further detention of the petitioner would amount to pre-trial punishment. Additionally, he submits that the petitioner

shall comply with all the conditions imposed upon him. He further submits that the grounds of arrest were not intimated to the petitioner at the time of his arrest. Therefore, according to him, the arrest of the petitioner is also illegal. Accordingly, he prays for bail.

Mr. Acharjee, learned advocate representing the State, produces the case diary. Based on the materials available in the case diary, he opposes the prayer for bail. He claims that grounds of arrest were orally communicated to the petitioner.

Heard the learned advocates representing the respective parties and perused the case diary and other materials on record, including the statements of the witnesses recorded under Section 180 of the BNSS and the statement of the victim recorded under Section 183 of the BNSS.

Therefore, taking note of these facts and considering the complicity of the present petitioner in the alleged offence, and further considering that in the given case the grounds of arrest was not informed to the petitioner at the time of his arrest, in contravention of Article 22(1) of the Constitution of India as well as the provisions of Section 47 of the BNSS, I am of the considered view that the petitioner is entitled to be enlarged on bail.

In view of the above, the petitioner shall be released on bail of Rs.10,000/-, with two sureties of Rs.5,000/- each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Jalpaiguri, subject to the condition that he shall appear before the trial court on every date of hearing until further orders, shall not intimidate witnesses or tamper with evidence in any

manner whatsoever, and on the further condition that he shall meet the investigating officer once in a fortnight until further orders.

In the event, the petitioner violates any of the conditions enumerated in the preceding paragraph, the learned Trial Court shall have the authority to cancel his bail in accordance with law, without any further reference to this Court

This application for bail is, thus, disposed of.

**(Partha Sarathi Chatterjee, J.)**