

20.06.2025

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rejected

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C.R.M.(M) No. 143 of 2025

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Nagrakata Police Station Case No. 31 of 2024 dated 02.03.2024 under Sections 302/34 of the Indian Penal Code.

And

In Re : Amit Munda & Anr. petitioners

Mr. Sudhindra Das

....for the petitioners

Mr. Aditi Shankar Chakraborty, learned APP

Mr. Kallol Nag

... for the State

This application for bail is presented under Section 439 of the Code of Criminal Procedure, 1973 (in short, Cr.P.C) corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita (in short “BNSS”) in connection with Nagrakata Police Station Case No. 31 of 2024 dated 02.03.2024 under Sections 302/34 of the Indian Penal Code.

Mr. Das, the learned counsel appearing on behalf of the petitioners, submits that the petitioners have been in custody for a period of 420 days. He further contends that any continued detention at this stage would amount to pre-trial punishment, which is impermissible in law. Emphasizing the prolonged incarceration of the petitioners, Mr. Das urges that they may be released on bail.

Mr. Nag, the learned counsel appearing on behalf of the State, produces the Case Diary and, relying on the materials contained therein, opposes the petitioners' prayer for bail. Drawing the Court's attention to the statements of witnesses recorded under Section 164 of the Code of Criminal Procedure, he submits that two eyewitnesses have given direct evidence implicating the present accused persons. He further submits that the alleged offence was premeditated in nature. It is also pointed out that the prayer for bail was previously rejected by a Hon'ble Division Bench of this Court. Additionally, Mr. Nag submits that even in May 2025, a Co-ordinate Bench of this Court declined to grant bail to the petitioners. He further apprises the Court that the trial is scheduled to commence in July 2025.

Heard the learned advocates appearing for both parties and perused the Case Diary along with other materials on record. It is an admitted position that the petitioners' prayer for bail was earlier rejected, first by a Hon'ble Division Bench of this Court and subsequently by a Coordinate Single Bench, even after submission of the charge sheet. There has been no material change in circumstances since the previous rejection of bail. Prima facie, the Case Diary reveals the presence of direct evidence against the petitioners.

Taking note of the facts and considering the extend of complicity of the present petitioners, I am not inclined to grant bail to the petitioners at this stage.

Accordingly, application for bail is, thus, rejected.

(Partha Sarathi Chatterjee, J.)

