

20.06.2025

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IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C.R.M.(M) No. 152 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 correspondent to Section 439 of the Code of Criminal Procedure in connection with Sitalkuchi Police Station Case No. 464 of 2024 dated 05.10.2024 under Sections 103(10)/238/61(2) of Bharatiya Nyaya Sanhita.

And

In Re : Alam Mia petitioner

Mr. Subhasish Misra

Mr. Satyajit Paul

....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”) corresponding to Section 439 of the Code of Criminal Procedure in connection with Sitalkuchi Police Station Case No. 464 of 2024 dated 05.10.2024 under Sections 103(10)/238/61(2) of Bharatiya Nyaya Sanhita.

Mr. Misra, the learned counsel appearing on behalf of the petitioner, submits that the petitioner has been implicated in the alleged offences solely on the basis of a confessional statement made by the principal accused, namely Uttam Singha. He contends that the petitioner has no connection whatsoever with the alleged offences. It is further submitted that the petitioner has been in custody for a period of 255 days and that his custodial

detention is not necessary for the purpose of trial. Mr. Misra, therefore, prays that the petitioner be released on bail.

Mr. Ganguly, the learned counsel appearing on behalf of the State, produces the Case Diary and, relying on the materials contained therein, opposes the petitioner's prayer for bail. He submits that this Bench had, only a few days ago, rejected the prayer for bail of the principal accused. He further submits that the principal accused, namely Uttam Singha, is the son of the victim, and it was he who allegedly engaged the present petitioner to carry out the murder of his own father. Mr. Ganguly also expresses concern that releasing the petitioner on bail may lead to the commission of similar offences.

Heard the learned advocates appearing for both parties. Perused the Case Diary along with other materials on record. It is an admitted position that the prayer for bail of the co-accused has already been rejected by this Bench. As alleged, the present petitioner was engaged to commit the murder of the victim.

Therefore, having regard to the aforesaid facts, the extent of the petitioner's alleged complicity in the offence, the nature and gravity of the charges, and the manner in which the offence was allegedly committed, I am not inclined to grant bail to the petitioner at this stage.

Accordingly, application for bail is rejected.

(Partha Sarathi Chatterjee, J.)