

31.07.2025
Ct. No.4
Item No.4
(JM)

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE

C.R.M. (R) 41 of 2025

In re: An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, (Corresponding to Section 439 of the Code of Criminal Procedure, 1973) in connection with Mekhliganj Police Station Case No.196 of 2025 dated 24th June, 2025 under Sections 318(4)/316(2)/336(3)/340(2) of the BNS, 2023.

And

In re : Surajit Chowdhury

..... Petitioner

Mr. Hillol Saha Podder

..... For the Petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP

Mr. Kallol Nag

... For the State.

1. This is an application for bail under section 483 of

the (BNSS) 2023, bearing CRM (R) No. 41 of 2025, has been filed on behalf of the petitioner, Surajit Chowdhury.

2. Mr. Hilolo Saha Podder, learned advocate appearing for the petitioner, submits that the petitioner is a co-accused in the instant case and is similarly situated to another accused, Pinaki Badra, who has already been enlarged on bail by an order dated July 25, 2025.
3. It is further submitted that the petitioner is not a FIR named accused but his name surfaced during the course of investigation.
4. Mr. Podder further submitted that petitioner is in custody since June 30, 2025, and his further detention for investigation is not necessary. He assures full cooperation of the petitioner in the ongoing investigation. Accordingly, Mr. Podder prays for the release of the petitioner on bail, subject to any stringent conditions deemed fit by this Court.
5. Per contra, Mr. Aditi Shankar Chakraborty, learned Assistant Public Prosecutor appearing on behalf of the State, did not oppose the prayer for bail. He fairly concedes that the continued detention of the petitioner is not necessary for the investigation.

Furthermore, learned APP submits that there are no apparent instances suggesting the petitioner's potential for tampering with evidence or influencing witnesses.

6. I have meticulously heard the contentions advanced by the learned advocates appearing for both the parties.
7. It appears from the First Information Report (FIR) that this case was initiated on June 24, 2025, based on a written complaint lodged by one Anjali Burman with the Officer-in-Charge, Mekhliganj Police Station. Significantly, the petitioner was not named in the initial FIR. His name was divulged during the interrogation.
8. Upon perusal of the Case Diary (CD), it is noted that the direct involvement of the petitioner is not independently disclosed therein, and his name primarily appears from the statement of a co-accused.
9. In view of the aforementioned facts and circumstances, and considering that the co-accused standing on similar footing has already been granted bail, I am of the view that the continued detention of the petitioner, Surajit Chowdhury, is

not warranted for the purpose of investigation. However, considering the gravity of the offences alleged, it is imperative to impose strict conditions to ensure his presence during the trial and to safeguard the integrity of the judicial process.

10. Accordingly, the petition is allowed.

11. The petitioner, Surajit Chowdhury, is directed to be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of like amount, one of whom must be a local resident of District Cooch Behar, to the satisfaction of the learned Additional Chief Judicial Magistrate, Mekhliganj.

12. This order of bail shall be subject to the following further conditions:

a) The petitioner shall appear before the Court of the learned Additional Chief Judicial Magistrate, Mekhliganj, on each and every date fixed for the trial of the case. Any single unexcused absence on the part of the petitioner shall automatically result in the cancellation of this bail, and the learned Trial Court shall be at liberty to issue appropriate coercive processes for his apprehension without further reference to this Court.

b) The petitioner shall not leave the territorial jurisdiction of the Districts of Cooch Behar without obtaining prior express leave from the Court of the learned Additional Chief Judicial Magistrate, Mekhliganj. Should any travel outside this specified jurisdiction be necessary, a reasoned application must be submitted to the learned Trial Court at least 72 hours in advance.

c) The petitioner shall cooperate fully with the trial proceedings and shall not seek unnecessary adjournments or obstruct the expeditious disposal of the case in any manner whatsoever.

d) The petitioner shall provide his permanent and current residential addresses, along with a functional contact number, to the Court and the Investigating Officer, and shall promptly inform them of any change in these details within 24 hours.

e) The petitioner shall report to the Officer-in-Charge of Mekhliganj Police Station once every fortnight, preferably on the first and third Saturday of each month, between 11:00 A.M. and 1:00 P.M., until the conclusion of the investigation.

It is made clear that in the event of any breach of the aforesaid conditions shall automatically lead to the cancellation of bail granted to the petitioner, and he shall be liable to be taken into custody forthwith upon an application moved by the prosecution or *suo motu* by the learned Trial Court or this Court.

Consequently, CRM (R) 41 of 2025 stands disposed of.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties on an urgent basis after completion of all necessary formalities.

[Uday Kumar, J.]