

03.09.2025
Court No.4
Item No.2
Samarpita
Allowed

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (R) 45 of 2025

In Re: - An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on August 5, 2025 in connection with Mekhliganj Police Station Case No. 196 of 2025 dated 24.6.2025 under Sections 318(4)/316(2)/336(3)/340(2) of the Bharatiya Nyaya Sanhita. (G.R. Case No. 372 of 2025)

And

In the matter of: **Bishnu Roy**

....Petitioner.

Mr. Hillol Saha Poddar

...for the petitioner.

Mr. Aditi Shankar Chakraborty, Ld.P.P-in-Charge.

Mr. Nilay Chakraborty, Ld. A.P.P.

Mr. Bhaskar Das

....for the State.

1. This application has been preferred under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with Mekhliganj Police Station Case No. 196 of 2025 dated 24.6.2025 under Sections 318(4)/316(2)/336(3)/340(2) of the Bharatiya Nyaya Sanhita, 2023.
2. Mr. Poddar, learned Advocate on behalf of petitioner says that this petitioner is completely innocent and has been falsely entangled with the offence alleged. It is further said that all the allegations as stated in the written complaint are false and fabricated. Moreover, three accused persons, in connection with this case have already been enlarged on bail by the Co-ordinate Bench of this Court on different

occasions. So, it is said that no purpose will be served by detaining this accused petitioner behind the bar further for the sake of custodial interrogation.

3. Mr. Aditi Shankar Chakraborty, learned Advocate for the State raises objection by submitting that there are sufficient incriminating materials in the record which show about *prima facie* involvement of this accused petitioner with the alleged offence. It is said that this accused petitioner is the principal accused and if at this stage the accused petitioner is enlarged on bail then there is every possibility of hampering of progress of further investigation.
4. I have considered the rival submissions advanced by both the parties and have consulted all the materials as collected by the investigating agency during the course of investigation.
5. It appears that the accused petitioner was arrested on 24.7.2022⁵ and since then he is in custody. It is significant to note that other three co-accused persons facing similar allegations in this case have already been granted the benefit of bail by this Court. The principle of parity requires that when co-accused similarly situated are enlarged on bail, the remaining accused cannot ordinarily be discriminated against unless distinguishing features are demonstrated by the prosecution. No such distinguishing circumstance has been brought to the notice of this Court in the present matter. In the absence of any material showing that the applicant would likely to abscond or tamper with the prosecution evidence, continued detention of the applicant cannot be justified.
6. Accordingly, CRM (R) 45 of 2025 is **allowed**.
7. In view of the above, the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of Rs.5,000/- each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate,

Mekhliganj, Cooch Behar, subject to the conditions 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 shall meet the Investigating Officer once a week until further orders of this Court. The petitioner shall not leave the territorial jurisdiction of Mekhliganj Police Station without the prior permission of the Investigating Officer.

8. In the event of any violation of the conditions enumerated in the preceding paragraph, the learned Additional Chief Judicial Magistrate or the learned Trial Court shall be at liberty to cancel the petitioner's bail in accordance with law, without any further reference to this Court.
9. Accordingly, this criminal appeal being CRM (R) 45 of 2025 is hereby disposed of.
10. Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Prasenjit Biswas, J.)