

14.08.2025

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IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C.R.M.(M) No. 213 of 2025

In Re:- An application for bail under Section 483 of the BNSS, 2023 in connection with Samuktala Police Station Case No. 79 of 2025 dated 08.04.2025 under Sections 109/118(2) of BNS, 2023 read with Section 25(1-A) of the Arms Act, 1959 adding Sections 238/309(6)/62 of the BNS, 2023 corresponding to G.R. Case No. 592 of 2025.

And

In Re : Sankar Das petitioner

Mr. Subham Ghosh

Mr. Mayank Roy

....for the petitioner

Mr. Aditi Sankar Chakraborty, Ld. APP

Mr. Kallol Acharjee

Mr. Dhiman Sil

... for the State

This application for bail is presented under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (in short “BNSS”) in connection with Samuktala Police Station Case No. 79 of 2025 dated 08.04.2025 under Sections 109/118(2) of BNS, 2023 read with Section 25(1-A) of the Arms Act, 1959 adding Sections 238/309(6)/62 of the BNS, 2023 corresponding to G.R. Case No. 592 of 2025.

Mr. Ghosh, learned Advocate appearing for the petitioner, narrates the sequence of events and submits that, as per the prosecution case, while the victim was working at a petrol pump, three unidentified persons approached him, fired at him, and then fled from the scene. Subsequently, the investigating officer apprehended one individual,

namely Subhankar Paul @ Naru, considering him to be the prime accused. It is alleged that the weapon used in the commission of the offence was recovered from his possession. The present petitioner was arrested solely on the basis of the so-called confessional statement made by the said Subhankar Paul.

He further submits that the so-called confessional statement has no evidentiary value in the eyes of law, and the petitioner's detention cannot be justified on the basis of such a statement. He also submits that the prosecution has failed to offer any convincing explanation to justify reliance on the said confessional statement. It is further submitted that the petitioner has been in custody for 125 days, and the charge-sheet has already been submitted. Therefore, according to him, further detention of the petitioner will not serve any useful purpose.

Mr. Chakraborty, learned Additional Public Prosecutor, produces the Case Diary and vehemently opposes the prayer for bail, relying on the materials available therein. He submits that although the victim is still alive, he is in a coma and not in a position to speak or communicate. He further submits that the present petitioner was identified by witnesses and also from the CCTV footage obtained from the petrol pump. He asserts that there are sufficient materials in the Case Diary indicating the involvement of the petitioner in the alleged offence. He also submits that the petitioner has prior criminal antecedent.

Heard the learned Advocates representing the respective parties.

Although the charge-sheet has been submitted, the scope for filing a supplementary charge-sheet has been kept open. Whether the confessional statement of a co-accused can be treated as a relevant document or accepted to implicate another person in the alleged offence are issues to be decided at the time of trial. At this stage, this Court cannot be invited to adjudicate such issues while dealing with the application for bail. Considering these aspects, along with the nature and gravity of the offence and the manner in which it was allegedly committed, I am of the view that this is not a fit case to grant bail to the present petitioner at this stage.

Accordingly, application for bail is, thus, rejected.

(Partha Sarathi Chatterjee, J.)