

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri**

**19.08.2025.
08
Ct.No.04.
as
(Allowed)**

C.R.M. (M) 218 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with NJP P.S. Case No.1131 of 2024 dated 01.11.2024 under Sections 308(4)/103/3(5) of Bharatiya Nyaya Sanhita, 2023 corresponding to Misc. Case No.166 of 2025.

In the matter of : **Samsad Hussain.**

.... Petitioner.

Mr. Jagriti Mishra,
Ms. Ananya Bhattacharya,
Ms. Mrinmayee Das.

...for the Petitioner.

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

...for the State.

Md. Shoaib Akhtar.

...for the de-facto complainant.

1. This application for bail has been preferred under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (in short, BNSS) in connection with NJP P.S. Case No.1131 of 2024 dated 01.11.2024 under Sections 308(4)/103/3(5) of Bharatiya Nyaya Sanhita, 2023 corresponding to Misc. Case No.166 of 2025.

2. Mr. Mishra, the learned advocate representing the petitioner, submits that in the present case, charge sheet has been submitted. Other co-accused persons are on bail. The present petitioner is under incarceration for eight months and twenty- six days. He submits there is no possibility of early conclusion of trial. Therefore, he submits, taking note of these facts, the petitioner may be released on bail.

3. Mr. Chakraborty, learned Advocate representing the State, produces the case diary and relying upon the materials available in the case diary, he opposes the prayer for bail. He submits that there is direct allegation against the present petitioner which will be reflected from the statement of the witnesses recorded under Section 183 of Bharatiya Nagarik Suraksha Sanhita, 2023 (in short, BNSS).

4. Mr. Akhtar, learned Advocate representing the de-facto complainant adopted the submissions advanced by Mr. Chakraborty and opposes the prayer for bail.

5. Heard the learned Advocates appearing for the respective parties and perused the materials on record including the case diary.

6. Undoubtedly, in the present case after completion of investigation, charge sheet has been submitted. Other co-accused persons standing on the same footing have been enlarged on bail. There is no likelihood of early conclusion of the trial. Considering these facts, I do not find any justification to treat the present petitioner differently.

7. Accordingly, the petitioner, viz., **Samsad Hussain**, may find bail of Rs. 10,000/-, with two sureties of Rs. 5,000/- each, to the satisfaction of the learned Chief Judicial Magistrate, Jalpaiguri, one of which must be local, subject to the condition that the petitioner shall not enter the New Jalpaiguri Police Station until further orders except for the purpose of court proceeding and shall provide the address where he shall reside to the investigating agency as well as the jurisdictional court and the Officer-in-charge of the concerned police

station within whose jurisdiction he shall reside once in a week until further orders and he shall appear before the trial court on every date of hearing until further orders, and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

8. In the event the petitioner fails to appear before the trial court without a justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law, without any further reference to this Court.

10. This application for bail is, thus, disposed of.

(Partha Sarathi Chatterjee, J.)