

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

18.08.2025.
Sl. No. 2
Ct.No. 4.
sdas
(Allowed)

C.R.M.(R) 49 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 in connection with Mekhliganj
Police Station Case No. 196 of 2025 dated 24.06.2025 under
Sections 318(4)/316(2)/336(3)/340(2) of the BNS, 2023.

In Re : Dipak Dey @ Prasenjit Dey @ Babai petitioner

Mr. Hillol Saha Podder

...for the petitioner

Mr. Saikat Chatterjee
Mr. Chattu Roy

....for the State

This application has been preferred under Section 483 of
the Bharatiya Nagarik Suraksha Sanhita, 2023 (in short, BNSS) in
connection with Mekhliganj Police Station Case No. 196 of 2025
dated 24.06.2025 under Sections 318(4)/316(2)/336(3)/340(2) of
the BNS, 2023.

Mr. Podder, learned Advocate appearing on behalf of the
petitioner, submits that the petitioner is not the FIR-named
accused. He further submits that the co-accused, standing on the
same footing, have already been granted bail. He, therefore, prays
for bail on the ground of parity.

Mr. Chatterjee, learned Advocate appearing on behalf of
the State, produces the Case Diary and opposes the prayer for bail
on the basis of the materials available therein. He submits that the
FIR was lodged against only one person, namely, Mahesh Prasad.

However, during the course of enquiry, it was revealed that several other persons are involved and that a racket is operating to commit such offences, of which the petitioner is a part. Nevertheless, in his usual fairness, he submits that the co-accused, standing on the same footing, have already been enlarged on bail.

Heard the learned Advocates representing the respective parties and perused the materials on record including the Case Diary. Undoubtedly the petitioner is not the FIR named accused person and other co-accused, standing on the same footing, are on bail.

Considering this aspect, this Court is of the view that the petitioner's case cannot be treated differently. Accordingly, the application for bail is allowed.

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.

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.

This application for bail is, thus, disposed of.

(Partha Sarathi Chatterjee, J.)