

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

**18.08.2025.  
15.  
Ct.No.04.  
as  
(Allowed)**

**C.R.M. (M) 221 of 2025**

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kuchlibari P.S. Case No.68 of 2025 dated 02.05.2025 under Sections 318(4)/316(2)/336(2)/336(3)/3(5) of Bharatiya Nyaya Sanhita, 2023 corresponding to G.R. Case No.256 of 2025.

In the matter of : **Rohit Kumar Prasad @ Rohit Kr. Sony.**  
.... Petitioner.

Mr. Debasish Mukhopadhyay,  
Ms. Srishti Sarkar.

...for the Petitioner.

Mr. Tapan Bhattacharjee,  
Mr. Dhiman Sil.

...for the State.

1. This application has been preferred under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (in short, BNSS) in connection with Kuchlibari P.S. Case No.68 of 2025 dated 02.05.2025 under Sections 318(4)/316(2)/336(2)/336(3)/3(5) of Bharatiya Nyaya Sanhita, 2023 corresponding to G.R. Case No.256 of 2025.

2. Ms. Sarkar, learned advocate for the petitioner, submits that the petitioner is not a beneficiary of the deed, inasmuch as he has not played any role in the alleged offence. Drawing attention to a portion of the forwarding report, she submits that the petitioner has been arrested in this case solely on the allegation that the said deed was recovered from his custody. She therefore prays for grant of bail in favour of the petitioner.

3. Mr. Bhattacharjee, learned Advocate representing the State, produces the case diary. Based on the materials available in the case diary, he opposes the prayer for bail.

4. Narrating the sequence of events leading to the institution of the present case, he submits that the original land in question belonged to one Hiralal Prasad Sonar. Upon his death, he was survived by one son and seven daughters, who jointly inherited the undivided property left behind by him. However, Nanda Lal, in connivance with two other legal heirs of Hiralal, forged a warison certificate and, on the basis of such forged certificate, disposed of the property in favour of the petitioner's mother. He further submits that the present petitioner is one of the conspirators.

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

6. The present petitioner is not a named accused in the FIR. As noted earlier, the petitioner has been implicated in this case solely on the ground that the deed was recovered from his possession. Considering the facts and circumstances of the case, I am of the view that further detention of the petitioner would amount to pre-trial detention. Accordingly, the application is allowed.

7. In view of the above, the petitioner, viz., **Rohit Kumar Prasad @ Rohit Kr. Sony**, is directed to be released on bail of Rs. 10,000/-, with two sureties of Rs. 5,000/- each, to the satisfaction of the learned Additional Chief Judicial Magistrate, Mekhliganj, Cooch Behar, one of whom must be local. The bail is subject to the conditions that the petitioner shall meet the Investigating Officer once every week until further orders, shall appear before the trial court on each 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 any justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law, without any further reference to this Court.

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

**(Partha Sarathi Chatterjee, J.)**