

08.09.2025
Court No.04
Item No.05
Nandita

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

CRM (M) 226 of 2025

In Re: - An application for Bail under Section **483** of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 439 of the Code of Criminal Procedure, 1973) in connection with **Pundibari Police Station Case No. 604 of 2025 dated 04.07.2025 (G.R. Case No.1242/2025)** under Sections 126(2)/118(2)/109/3(5) of the Bharatiya Nyaya Sanhita 2023 read with Sections 25(1-A)/27/35 of the Arms Act 1959.

And

In the matter of: **Sri Dipankar Roy & Ors.**

....PETITIONERS

Mr. Rajdeep Mazumdar, Sr. Adv.
Mr. Avrojoyti Das,
Mr. Rajdeep Das,
Mr. Soumya Raha

...for the Petitioners

Mr. Kallol Acharjee,
Mr. Sourav Ganguly

....for the State

1. An application for Bail is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 439 of the Code of Criminal Procedure, 1973) in connection with Pundibari Police Station Case No. 604 of 2025 dated 04.07.2025 under Sections 126(2)/118(2)/109/3(5) of the Bharatiya Nyaya Sanhita 2023 read with Sections 25(1-A)/27/35 of the Arms Act 1959.

2. It is said by the learned Advocate for the accused petitioners that they are absolutely innocent and have/had got no connection with the offence alleged. They are in custody for a considerable period of time. It is further contended by the learned Advocate that these petitioners are the students and they have no criminal antecedent. There are no materials in the record

involving these accused petitioners with the alleged offence and as such, no purpose will be served by detaining these accused petitioners behind the bar further for the sake of custodial interrogation. So, it is said that the accused petitioners may be enlarged on bail on any condition as to be put upon them as the learned Court may deem it fit and proper.

3. Learned Advocate for the State raises objection by submitting that there are sufficient incriminating materials in the record which show about involvement of these accused petitioners with the alleged offence. Moreover, the investigation is still going on and if at this stage these accused petitioners are enlarged on bail, then there is every chance of hampering of progress of further investigation. The attention of this Court is drawn to the statements made by the victim as well as the other witness recorded by the Magistrate and the statements made by the witnesses before the Investigating Officer. So, it is said that the prayer made by these accused petitioners for bail may be rejected of outright.

4. This instant case was started on the basis of a complaint lodged by the de-facto complainant by stating, inter alia, that on the relevant date and time these accused petitioners allegedly attempted to murder the victim. These accused petitioners are in custody since for a considerable period of time. The offending weapon which was allegedly used by these accused petitioners has not yet been recovered by the investigating agency. It is further to be observed that the accused persons have already remained in judicial custody for a considerable period of time. The investigation has substantially progressed, and no fruitful purpose would be served by keeping the accused persons incarcerated any longer. The law does not sanction pre-trial detention as a measure of punishment, and once the initial object of securing the presence of the accused and facilitating investigation has been achieved, continued detention loses its justification.

Prolonged custody of the accused, in the absence of any compelling necessity, would amount to an unwarranted curtailment of personal liberty. In the circumstances, there appears to be no such requirement of further detention of the accused, and therefore, this Court is of the considered view that the accused persons deserve to be enlarged on bail.

5. Accordingly, the application for bail filed by this accused person being **CRM (M) 226 of 2025** is **allowed**.

6. In view of above, the petitioners namely, **Dipankar Roy, Uttam Gupta** and **Karna Das** are enlarged on bail on furnishing a bond of Rs. 20,000/- each (Twenty Thousand each) with two sureties of like amount each subject to the satisfaction of Learned Chief Judicial Magistrate, Coochbehar subject to the conditions that they 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.

7. In the event of any violation of the conditions enumerated in the preceding paragraph, the Learned Chief Judicial Magistrate, Coochbehar or the learned Trial Court shall be at liberty to cancel these accused petitioners' bail in accordance with law, without any further reference to this Court.

8. Urgent Photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(PRASENJIT BISWAS, J.)