

03.9.2025
Court No.4
Item No.12
Samarpita
Allowed

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

CRM (M) 242 of 2025

In Re: - An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to G.R. Case No. 325 of 2025, arising out of Falakata Case No. 95 of 2025 dated 26.2.2025 under Sections 316(5)/ 336(3) of the Bharatiya Nyaya Sanhita, 2023, adding Section in the Chargesheet 336(2)/340(2)/61(2) of Bharatiya Nyaya Sanhita, 2023

And

In the matter of: **Raghu Nath Mallick**

....Petitioner.

Mr. Sourav Ganguly,
Mr. Bibek Tarafder,
Mr. Gopal Roy,
Ms. Rishita Chakraborty,
Mr. Bibhas Kr. Nandi

...for the petitioner.

Mr. Aditi Shankar Chakraborty, Ld. A.P.P.,
Mr. Abhijit Sarkar,
Mr. Subhasish Misra

....for the State.

1. An application for bail is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to G.R. Case No. 325 of 2025, arising out of Falakata P.S. Case No. 95 of 2025 dated 26.2.2025 under Sections 316(5)/ 336(3) of Bharatiya Nyaya Sanhita, 2023, adding Section in the Charge-sheet 336(2)/340(2)/61(2) of the Bharatiya Nyaya Sanhita, 2023.
2. It is said by the learned Advocate appearing on behalf of petitioner that one of the accused persons named in the F.I.R. has already been granted bail by the Co-

ordinate Bench of this Court dated 19.8.2025. This accused petitioner is in custody since for a considerable period of time, and in the meantime the investigation process has been ended by submitting charge-sheet by the prosecuting agency. So, no purpose will be served by detaining this accused petitioner behind the bar for sake of custodial interrogation. It is further contended that, the petitioner is absolutely innocent and has/had got no connection with the alleged offences.

3. Learned Advocate for the State raises objection by submitting that there are sufficient incriminating materials in the record which show about *prima facie* involvement of this accused petitioner with the alleged offences, and if at this stage the accused petitioner is enlarged on bail then there is every possibility of hampering of the progress of the trial. It is prayed that the petitioner's prayer for bail may be rejected outright.
4. Having given thoughtful consideration to the rival contentions urged by learned counsel on either side and upon a careful perusal of the record, this Court proceeds to examine the matter.
5. It appears that this accused petitioner was arrested on 25.3.2025, and since then he is in custody. In the meantime, the investigation process was over by submitting charge-sheet by the investigating agency. Moreover, one of the accused persons named in the F.I.R. have already been granted bail on 19.8.2025 by the Co-ordinate Bench of this Court. The accused, who has already suffered incarceration during the period of investigation, cannot be kept confined for an indefinite duration merely on account of pendency of trial. The fundamental right to personal liberty is enshrined under Article 21 of the Constitution of India. Prolonged pre-trial detention, when the trial is not likely to conclude within a reasonable period, assumes the character of punitive detention, which the law does not countenance.

6. The deprivation of liberty cannot be extended beyond what is necessary, particularly once investigation is complete and the possibility of tampering with evidence or absconding is not demonstrated. In such circumstances, continued confinement of the applicant till the uncertain conclusion of trial would amount to a direct infringement of the cherished constitutional guarantee of personal liberty under Article 21.
7. So, I find that no purpose will be served by detaining this accused petitioner behind the bar further for the sake of custodial interrogation.
8. Accordingly, CRM (M) 242 of 2025 is **allowed**.
9. In view of the above, the petitioner namely **Raghu Nath Mallick** 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, Alipurduar, subject to the conditions that 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.
10. 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.
11. Accordingly, the application for bail being CRM (M) 242 of 2025 is hereby disposed of.
12. Urgent Photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Prasenjit Biswas, J.)