

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

CRM (M) 246 of 2025

In Re: - An application for Bail under Section **483** of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Matigara Police Station Case No. 669 of 2024 dated 09.11.2024 under Sections **118(2)/3(5)** of the BNS Act, 2023.

And

In the matter of: **Subhankar Das @ Chotka**

....PETITIONER

Ms. Rima Sarkar,
Ms. Suparna Paul,

...for the Petitioner

Mr. Mayank Roy,

...for the De-facto Complainant

Mr. Tapan Bhattacharjee,
Mr. Kallol Nag

....for the State

1. An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Matigara Police Station Case No. 669 of 2024 dated 09.11.2024 under Sections 118(2)/3(5) of the BNS Act, 2023.

2. Ms. Rima Sarkar, learned Advocate representing the petitioner says that the present petitioner is completely innocent and has been falsely arraigned with the crime alleged. There is no direct witness to the incident and the entire case is rested upon circumstantial evidence. This accused was not last seen together with the deceased husband of the defacto complainant. Moreover, this accused petitioner is in custody since 90 days and in the meantime the

investigation process is over by submitting charge-sheet by the prosecuting agency.

3. It is further contended by the learned Advocate that one of the FIR name accused persons namely, Sub Narayan Thakur was enlarged on bail by the trial Court and as he jumped the condition of the bail, the warrant of arrest was issued against him and he is found absconding. Anyway, the learned Advocate submits as the investigation process has already been completed and this accused petitioner is in custody since for a prolonged period and as such no purpose will be served by detaining the accused petitioner behind the bar further for the sake custodial interrogation.

4. 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 offence and if at this stage this accused petitioner is enlarged on bail then there is every possibility of hampering of progress of the trial. The attention of this Court is drawn to the statement of the witnesses recorded by the Investigating Officer under Section 161 of Cr.P.C. and said that the statement of the witnesses made before the Investigating Officer clearly shows about involvement of this petitioner with the alleged offence.

5. 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.

6. The de-facto complainant of this case is represented by the learned Advocate.

7. This accused petitioner voluntary surrendered before the trial Court on 20.05.2025 and he was taken into custody and since then he is behind the bar. In the meantime, the investigation process has been completed by submitting charge-sheet by the prosecuting agency. The fact remains that the charge sheet has been filed and custodial interrogation is no longer required. The applicant has already undergone incarceration since 20.05.2025. The trial is likely to take considerable time. No material has been placed before the Court to show that the applicant may abscond or tamper with evidence.

8. Accordingly, **CRM (M) 246 of 2025** is **allowed**.

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

(PRASENJIT BISWAS, J.)