

09.09.2025
Court No.04
Item No.07
Nandita

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

CRM (M) 253 of 2025

In Re: - An application for Bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 in connection with **Mathabhanga
Police Station Case No. 530 of 2025 dated 04.07.2025** under
Sections **309(3)/126(2)/117(2)/109/103/3(5)** of the BNS, 2023.

And

In the matter of: **Anath Chandra Barman**

....PETITIONER

Mr. Sudip Guha,
Mr. Sandip Guha Roy,
Mr. Ananda Paul

...for the Petitioner

Mr. Ujjwal Luksom,
Mr. Bhaskar Das

....for the State

1. An application for bail is filed under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 in connection with Mathabhanga
Police Station Case No. 530 of 2025 dated 04.07.2025 under Sections
309(3)/126(2)/117(2)/109/103/3(5) of the BNS, 2023.

2. It is said by the learned Advocate for the petitioner that he has
been falsely entangled with the alleged offence. There is a case and
counter-case in between the parties and for which out of grudge this
petitioner has been arraigned with the crime. Moreover, the
investigation process is over and as such no purpose will be served by
detaining this accused petitioner behind the bar for the sake of
custodial interrogation. It is further said that the involvement of this

accused petitioner with the alleged offence has not been specifically stated either in the written complaint or in any other statements made by the witnesses. So, it is submitted that this accused petitioner may be enlarged on bail on any condition as the learned Court may deem 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 prima facie involvement of this accused petitioner with the alleged offence. Moreover charge-sheet has been submitted by the prosecuting agency showing the 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.

4. In this case the investigation has reached its culmination and the charge-sheet has been filed, the prosecuting agency has already collected and placed on record all materials that it seeks to rely upon. The evidence, having now passed into the custody of the Court and in such a situation, the justification for prolonging the detention of the accused loses its efficacy, as no further custodial interrogation is either necessary or contemplated. To keep an accused behind bar after the completion of investigation, without demonstrable necessity, is to transgress the presumption of innocence and to inflict a penalty even before the pronouncement of guilt. Such an approach would strike at the very root of the constitutional guarantee under Article 21 of the Constitution of India, which embodies the right to life and

personal liberty in its most expansive form. The continuation of custody, therefore, must be justified by compelling reasons such as a clear apprehension of abscondence, tampering with evidence, influencing witnesses, or otherwise obstructing the administration of justice. In the absence of any such substantiated grounds, further detention degenerates into an unwarranted and unjustified curtailment of the fundamental right to liberty. There is no chance of immediate commencement of the trial and conclusion of the same. When further detention is not necessitated either for investigation or for securing the ends of justice, the accused person, in the considered opinion of this Court, is entitled to be released on bail.

5. Accordingly, **CRM (M) 253 of 2025** is **allowed**.

6. In view of above, the petitioner namely, **Anath Chandra Barman** is enlarged on bail on furnishing a bond of Rs. 20,000/- (Twenty Thousand) with two sureties of like amount each subject to the satisfaction of Learned Additional Chief Judicial Magistrate, Mathabhanga 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.

7. In the event of any violation of the conditions enumerated in the preceding paragraph, the Learned Additional Chief Judicial Magistrate, Mathabhanga 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.

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

(PRASENJIT BISWAS, J.)