

04.09.2025
Court No.04
Item No.05
Nandita

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

CRM (R) 55 of 2025

In Re: - An application for Bail under Section **483** of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kotwali Police Station Case No. 203 of 2025 dated 16.04.2025 under Sections **14(A)/14(C) of Foreigners Act, r/w 336(3)/340(2)/61(2)** of BNS Act, 2023.

And

In the matter of: **Rahim Mandal**

....PETITIONER

Mr. Joydeep Kanto Bhowmik,
Ms. Debi Sarkar,
Mr. Sayantan Bhowmik,
Mr. S. Kumar,
Ms. Sayantani Das
...for the Petitioner

Mr. Saikat Chatterjee,
Mr. Chattu Roy
....for the State

1. An application for bail is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kotwali Police Station Case No. 203 of 2025 dated 16.04.2025 under Sections 14(A)/14(C) of Foreigners Act, r/w 336(3)/340(2)/61(2) of BNS Act, 2023.

2. It is said by the learned Advocate for the petitioner that the present petitioner has/had got no nexus with the alleged offences and he is an Indian citizen by birth. It is further said that the investigating process in connection with this case has already been completed by submitting charge-sheet by the prosecuting agency on 13.06.2025 and as such no purpose will be served by detaining further this accused petitioner behind the bar for the sake of custodial interrogation. So, it is said that this accused petitioner may be enlarged on bail as there is no prima facie case against him.

3. Learned Advocate for the State said that the investigating process has already been concluded and the charge-sheet has been submitted in connection with this case by the investigating agency. It is further said by the learned Advocate that some of the accused persons in connection with this case are still absconding and charge-sheet has been submitted showing those accused persons as absconders in this case.

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 person is in custody since 21st August, 2025 and in the meantime investigating process is concluded by submitting charge-sheet by the prosecuting agency. There is no immediate chance of commencement of trial. Moreover, no document has been collected by the investigating agency during the investigation process showing this accused petitioner as citizen of Bangladesh. In the present case, the investigation is complete and the prosecution has already collected and placed on record all relevant materials. No further custodial interrogation of the accused is required. Importantly, there is no specific allegation or cogent material brought before this Court to suggest that the accused, if enlarged on bail, would tamper with the evidence or evade the process of law. In such circumstances, the continued detention of the accused would amount to an unjustified curtailment of his fundamental right under Article 21 of the Constitution of India, which guarantees the right to personal liberty. To keep the accused incarcerated beyond that stage would not serve the ends of justice, but rather inflict undue hardship and convert pre-trial detention into a punitive measure, which is impermissible in law.

6. Accordingly, **CRM (R) 55 of 2025** is **allowed**.

7. In view of above, this petitioner **Rahim Mandal** is enlarged on bail on furnishing a bond of Rs.20,000/-(Twenty Thousand) with two sureties of like amount each out of which one must be local subject to the satisfaction of the learned Chief Judicial Magistrate, Jalpaiguri and subject to the conditions that he shall appear before the Trial Court on every date of hearing until further orders, shall not intimidate witnesses or tamper with evidence in any manner whatsoever. The petitioner shall not leave the territorial jurisdiction of Kotwali Police Station, Jalpaiguri without the prior permission of the O.C./I.C. of the said Police Station.

8. In the event of any violation of the conditions enumerated in the preceding paragraph, the learned Chief Judicial Magistrate, Jalpaiguri 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.

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

(PRASENJIT BISWAS, J.)