

10.09.2025
Court No.04
Item No.05
Nandita

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

CRM (M) 262 of 2025

In Re: - An application for Bail under **Section 483** of the Code of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Kuchlibari Police Station Case No. 68 of 2025 dated 02.05.2025 (G.R. Case No.256 of 2025)** under Sections 318(4)/316(2)/336 (2)/336(3)/3(5) of the BNS, 2023.

And

In the matter of: **Nandalal Prasad Sonar**

....PETITIONER

Mr. Debasish Mukherjee,
Ms. Srishti Sarkar

...for the Petitioner

Mr. Ujjwal Luksom,
Ms. Namrata Das

....for the State

1. An application for bail is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kuchlibari Police Station Case No. 68 of 2025 dated 02.05.2025 under Sections 318(4)/316(2)/336 (2)/336(3)/3(5) of the BNS, 2023.

2. It is said by the learned Advocate for the petitioner that this petitioner is absolutely innocent and has/had got no connection with the offence alleged. It is said that this accused petitioner is in custody for 55 days and no purpose will be served by detaining him further behind the bar for the sake of custodial of interrogation. This petitioner is neither F.I.R. named accused nor he had any role in the alleged transaction of the landed

property. So, it is said that this accused petitioner may be enlarged on bail on putting any condition upon him as the Court may deem it fit and proper.

3. Learned Advocate for the State raises objection by submitting that the investigation process is still going on and there are sufficient incriminating materials in the record which show about prima facie involvement of this accused petitioner with the alleged offence. So, it is said that if at this stage this accused petitioner is enlarged on bail, then there is every possibility of hampering of the progress of further investigation.

4. It appears that the instant case was started on the basis of a complaint lodged by the de-facto complainant on the allegation of preparing a forged deed of gift in the name of one Ms. Rita Devi Prasad Sonar and over the complaint the instant case was started. As per the complaint, the father of the complainant passed away on 17.04.2022 leaving behind some landed property and this accused petitioner along with other accused allegedly forged heir certificate and prepared a fake deed of gift. This accused petitioner was arrested on 18.07.2025 and since then he is in custody. In the present case, the records reveal that substantial progress has already been made in the investigation during the period the accused has remained in custody. The investigating agency has/ had ample opportunity to interrogate the accused while in custody and to collect material evidence relevant to the case. No specific instance has been brought to the notice of this Court to suggest that further presence of this accused in custody is required for the purpose of custodial interrogation. The right to personal liberty enshrined under Article 21 of the Constitution of India cannot be curtailed save for compelling reasons. In the absence of any demonstrated requirement of further custodial interrogation, the continued detention of the accused behind the bar would serve no meaningful purpose.

5. Accordingly, in view of the fact that the accused has already remained in custody for a considerable period, that substantial progress in the investigation has been achieved, and that there is no requirement of further custodial interrogation, this Court finds no justification for his continued detention. Enlargement of the accused on bail, therefore, would be an appropriate and reasonable course of action in the circumstances of the case.

6. Accordingly, **CRM (M) 262 of 2025** is **allowed**.

7. In view of above, the petitioner namely, **Nandalal Prasad Sonar** is enlarged on bail on furnishing a bond of Rs. 20,000/-(Twenty Thousand) with two sureties of like amount each, one of whom must be local subject to the satisfaction of learned Additional Chief Judicial Magistrate, Mekhliganj, Coochbehar and subject to the conditions that he shall meet the investigating officer once in a week until further order and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

8. In the event of any violation of the conditions enumerated in the preceding paragraph, the Learned Additional Chief Judicial Magistrate, Mekhliganj 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.)