

10.09.2025
Court No.04
Item No.06
Nandita

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

CRM (M) 264 of 2025

In Re: - An application for Bail under **Section 483** of the Bharatiya
Nagarik Suraksha Sanhita, 2023 in connection with **Bhaktinagar
Police Station Case No. 620 of 2025, dated 27.06.2025** under
Section 108 of the BNS, 2023.

And

In the matter of: **Sanjib Das @ Sandip Das**

....PETITIONER

Mr. Hillol Saha Podder,
Ms. Mousumi Das

...for the Petitioner

Mr. Kallol Acharjee,
Mr. Subhasius Misra

....for the State

1. An application for bail is filed under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 in connection with Bhaktinagar Police
Station Case No. 620 of 2025 dated 27.06.2025 under Section 108 of the
Bharatiya Nyaya Sanhita, 2023.

2. It is said by the learned Advocate for the petitioner that this petitioner
is absolutely innocent and has been falsely arraigned with the crime. This
accused petitioner has voluntarily surrendered before this Court on
08.08.2025 and since then he is in custody. It is further contended by the
learned Advocate for the petitioner that no purpose will be served by
detaining this accused petitioner behind the bar for the sake of custodial of
interrogation when there is no materials in the record which prima facie

connect this accused petitioner with the alleged offence. There is no ingredient of abatement to commit suicide and the allegation levelled under Section 108 of the Bharatiya Nyaya Sanhita, 2023 has no leg to stand in the eye of law. So, it is said that this accused petitioner may be enlarged on bail.

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. The attention of this Court is drawn to the statement recorded by the Magistrate as well as to the statements of the witnesses recorded by the Investigating Officer. 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. The instant case was started on the basis of a complaint lodged by the de-facto complainant by stating that the victim committed suicide by hanging herself in the room. Over the complaint the instant case was started. This accused petitioner voluntarily surrendered before this Court and he was taken into custody and since then he is behind the bar. From the materials available on record, it stands undisputed that the accused has been in custody for a considerable length of time. The period of incarceration that he has already undergone has substantially enabled the investigating agency to conduct interrogation and collect material evidence. Thus, the very object of keeping him in custody has to a large extent been achieved. It further appears that although the investigation is still pending and has not yet culminated in submission of a final report, there is no indication placed before this Court that the continued custody of the accused is indispensable for the further progress of the investigation. The

prosecution has not demonstrated any specific necessity for custodial interrogation at this juncture, nor has it produced any cogent material to suggest that the presence of the accused in jail would meaningfully contribute to the advancement of the investigation. Continued detention in such circumstances would not serve the interests of justice; rather, it would run counter to the fundamental right to personal liberty guaranteed under Article 21 of the Constitution of India.

5. I have gone through the documents as yet collected by the Investigating Agency during the course of investigation and placed before this Court and after perusing the same, this Court is of the considered view that the purpose of custodial detention having already been served, and no further requirement of custody being demonstrated, the continued incarceration of the accused is unwarranted.

6. Accordingly, **CRM (M) 264 of 2025** is **allowed**.

7. In view of above, the petitioner namely, **Sanjib Das @ Sandip Das** 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 learned Chief Judicial Magistrate, Jalpaiguri and subject to the condition 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, 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.)