

08.9.2025
Sl.11
Samarpita
Court No.4

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

CRM (M) 266 of 2025

In Re: An application under Section 483 of the BNSS, 2023 in connection with Sessions Case No. 2323 of 2025, arising out of Jalpaiguri Women Police Station Case Number 25 of 2025, dated 17.03.2025 vide G.R. Case No. 383 of 2025 under Section 109, 3(5), 85 and 80 of the Bharatiya Nyay Sanhita, 2023 along with Sections 3 and 4 of the Dowry Prohibition Act, 1961.

In the Matter of: **Anisur Rahman**
.... Petitioner

Mr. Sudipto Majumder, Ld. Sr. Adv.
Mr. Shankar Ch. De,
Mr. Panchali Deb Sikder (Nag),
Mr. Satyam Sarkar

.. for the Applicant/Petitioner
Mr. Ujjwal Luksom,
Mr. Sagnik Sankar Sikdar
.... For the State

1. It is said that this petitioner is absolutely innocent and has been falsely entangled with the offence alleged. He is in custody since 10.04.2025 and in the meantime, investigation process is over by submitting charge-sheet by the prosecuting agency.
2. It is further contended that other accused persons who happened to be in-laws of the victim had already been enlarged on bail. It is said by the learned Advocate that the instant case was lodged after causing delay and there is no such explanation for such delay in lodging the F.I.R. So, it is said that this accused-petitioner may be enlarged on bail as there is no necessity for detaining him behind the bar further for the sake of custodial interrogation.

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. It is conceded by the learned Advocate that the investigation process has been completed by submitting charge-sheet by the investigating agency. The attention of this Court is drawn to the medical document as well as to the post-mortem report showing the involvement of this accused-petitioner with the alleged offence. So, it is prayed that the petitioner's prayer for bail may be rejected outright.
4. It appears that the instant case was started on the basis of a complaint lodged by the *de-facto* complainant by stating *inter alia* that this victim faced an unnatural death due to the torture allegedly inflicted by this accused-petitioner along with the other accused persons upon victim. It further appears that the investigation process is over by submitting charge-sheet by the investigating agency. It is told that the charge has not yet been framed by the Trial Court. There is no immediate chance for commencement of the trial.
5. Once the investigating agency has completed its task of collecting material evidence and has filed the charge-sheet before the competent Court, the very foundation for the continued incarceration of the accused undergoes a significant change. The principal object of pre-trial detention is to facilitate effective investigation and to prevent the possibility of the accused thwarting the process by tampering with evidence or influencing witnesses. However, once investigation has

been concluded and the evidence secured, that necessity ceases to exist, unless cogent material is placed on record to suggest that the accused, if released, would misuse the liberty so granted. The deprivation of liberty is to be justified only so long as it remains necessary. To continue the confinement of an individual, despite the completion of investigation and without any substantiated apprehension of misuse of liberty, would not further the cause of justice. On the contrary, it would result in undue hardship and transform preventive custody into a form of punitive detention, which is wholly impermissible under our constitutional scheme.

6. In the present case, the investigation has already culminated in the filing of the charge-sheet, and the entire body of relevant material relied upon by the prosecution has been collected and placed on record. This Court finds that no further custodial interrogation of the accused is either warranted or justified at this stage. It is also of significance that the prosecution has not been able to point out any specific allegation or produce any cogent material to establish that the accused, if released on bail, would in any manner tamper with the evidence, influence the witnesses, or evade the course of justice.
7. So, without going to the merits of the case and only on the ground of long detention behind the bar, the application for bail filed by this accused person being **CRM (M) 266 of 2025** is **allowed**.
8. In view of above, the petitioner namely, **Anisur Rahman** is enlarged on bail upon furnishing a bond of Rs. 10,000/- with two sureties of Rs. 5,000/- each, 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 and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

9. In the event of any violation of the conditions enumerated in the preceding paragraph, the learned 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.
10. Urgent Photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Prasenjit Biswas, J.)