

09.9.2025
Court No.4
Item No.11
Rejected
Samarpita

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

CRM (M) 267 of 2025

In Re: An application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Naxalbari Police Station Case No. 135 of 2025 dated 05.8.2025 under Sections 310(4), 310(5) of the Indian Penal Code in connection with G.R. Case No. 4069 of 2025.

In the matter of: **Asish Subba @ Ashish Subba and Anr.**

....Petitioners.

Ms. Supriya Singh

... for the petitioners

Mr. Aditi Shankar Chakraborty, Ld. A.P.P.

Mr. Subhasish Misra

.. for the State

1. It is said by the learned Advocate for the petitioners that these accused petitioners are absolutely innocent and have been falsely entangled with the offence alleged. The allegations in the instant case do not disclose the ingredients of the alleged offence allegedly committed by these petitioners. It is further contended by the learned Advocate that the instant case is palpably egregious as the conspectus of facts of the instant case and do not disclose the ingredients of the alleged offence. Moreover, these accused petitioners are in custody since for a considerable period of time. So, it is said that these petitioners may be

enlarged on bail on the ground of their detention behind the bar.

2. Learned advocate for the State raises objection by submitting that the investigation process is at nascent stage. There are sufficient materials in the record which reflect about *prima facie* involvement of these accused-petitioners with the alleged offence. It is further contended that, if at this stage these accused-petitioners are enlarged on bail,, then there is every possibility of hampering of the progress of the investigation. So, it is said that the bail petition filed by these accused-petitioners may be rejected outright.
3. It appears from the record that the present case was initiated on the strength of a complaint lodged by the de facto complainant, wherein it has been alleged, inter alia, that on the relevant date and time, the accused-petitioners were found to be assembled with the object and preparation for committing the offence of dacoity. On the basis of such allegations, investigation was set in motion and the matter is presently under active inquiry. At this stage, the investigation is still in progress and the entire factual matrix, including the extent of involvement of the accused-petitioners and the circumstances surrounding the alleged assembly, are yet to be fully unearthed by the investigating

agency. The materials so far collected do not justify a conclusion that custodial interrogation is no longer required. On the contrary, considering the nature and gravity of the allegations, the seriousness of the offence alleged, and the role attributed to the accused-petitioners, this Court is of the view that releasing them on bail at this juncture may adversely affect the process of investigation.

4. Accordingly, CRM (M) 267 of 2025 is hereby **rejected**.
5. Urgent certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Prasenjit Biswas, J.)