

11.9.2025
Court No.4
Item No.04
Rejected
Subadip

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

CRM (M) 274 of 2025

In Re: An application under Section 483 of the Bharatiya Nagarik Surakha Sanhita, 2023 in connection with **Bhaktinagar Police Station Case No. 924 of 2024, dated 08.10.2024** in connection with **G.R. Case No. 5033 of 2024** (Sessions Case No.39 of 2025) under Sections 103(1)/238/61(2) of the Bharatiya Nagarik Surakha Sanhita, 2023.

In the matter of: **Bishaka Adhikari.**

....Petitioners.

Mr. Arijit Ghosh,
Mr. Sushanta Jib,
... for the petitioner

Mr. Aditi Shankar Chakraborty, Ld. A.P.P.
Mr. Dr. Arjun Chowdhury.
.. for the State

1. It is said by the petitioner that she is in custody since for a considerable period of time and no purpose will be served by detaining her further for sake of custodial interrogation. It is contended by the learned Advocate for the petitioner that other accused persons who were allegedly connected with the commission of the offence have already been enlarged on bail. This accused person stands with the same footing with those accused persons who were already granted on bail and as such she may be enlarged on bail on the ground of parity with those accused persons. Moreover,

no purpose will be served by detaining further of the accused petitioner behind the bar.

2. 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. This accused petitioner is the perpetrator of the crime and persons who were granted bail by this Court were her accomplices. This accused petitioner does not stand on the same footing with those accused persons who were already granted bail.
3. Furthermore, upon the framing of charge by the learned trial Court, the proceedings have already set into motion and the trial is presently underway with steady progress. The examination of witnesses has commenced, and the matter is being pursued in earnest, signifying that the trial is moving forward with due expedition. So, it is said that if at the stage this accused petitioner is enlarged on bail, then there is every possibility of hampering of the progress of the trial. Accordingly, it is said that the petition filed by this accused petitioner praying for bail may be rejected outright.

4. It appears that the victim of this case had faced unnatural death and after completion of investigation charge sheet was submitted by the prosecuting agency. After framing of charge by the Trial Court the evidence taking process has been started.
5. I have gone through all the materials placed at the time of hearing which prima facily show about involvement of this accused with the alleged offence. This accused petitioner does not stand with the same footing with those accused who were already granted bail. There are sufficient incriminating materials in the record against this accused petitioner. In cases of heinous crimes, where the allegations disclose an element of extreme depravity, cruelty, or brutality, the presumption tilts heavily against granting bail. The crime in question, by its sheer heinousness, militates against the plea for release, and as such, this Court is not persuaded to exercise its discretion in favour of the applicant.
6. After considering the heinousness of the offence and diabolical manner by which the offence was allegedly committed, I am not inclined to enlarge the accused petitioner on bail.
7. Accordingly, CRM (M) 274 of 2025 is hereby **rejected**.

8. Urgent Photostat Certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Prasenjit Biswas, J.)