

10.09.2025  
Court No.04  
Item No.03  
Nandita

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

**CRM (R) 58 of 2025**

In Re: - An application for Bail under **Section 439** of the Code of Criminal Procedure, 1973 corresponding to **Section 483** of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Dinhata Women Police Station Case No. 29 of 2025 dated 02.04.2025 (G.R. Case No.153 of 2025)** under Sections 85/80(2) of the BNS, 2023 read with Sections 3/ 4 of the Dowry Prohibition Act, 1961.

And

In the matter of: **Debdulal Poddar**

....PETITIONER

Mr. Arnab Saha,  
Md. Shoaib Akhtar

...for the Petitioner

Mr. Kallol Acharjee,  
Mr. Sukanya Adhikary

....for the State

1. An application for Bail is filed under Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Dinhata Women Police Station Case No. 29 of 2025 dated 02.04.2025 under Sections 85/80(2) of the BNS, 2023 read with Sections 3/ 4 of the Dowry Prohibition Act, 1961.

2. It is said by the learned Advocate for the petitioner that the present petitioner is in custody since 02.04.2025. Besides this accused petitioner being the husband of the deceased wife, all the FIR named accused persons were granted bail by the learned Trial Court as well as by the Co-ordinate Bench of this Court on different dates. In the meantime, the investigation

process is over by submitting charge-sheet by the prosecuting agency and the charge sheet has not explicitly stated about any specific and tangible role of this petitioner with the alleged crime. It is further contended by the learned Advocate for the petitioner that this accused petitioner is innocent and has been falsely arraigned with the crime. So, it is said that no purpose will be served by detaining this accused petitioner behind the bar for the sake of custodial of interrogation.

3. Learned Advocate for the State conceded the fact that the investigation process has already been completed by submitting charge-sheet by prosecuting agency. But he submits that there are sufficient incriminating materials in the record which reflect about prima facie involvement of this accused petitioner with the alleged offence. So, it is said that the prayer for bail made by this petitioner may be rejected outright.

4. It appears that this accused petitioner was arrested on 02.04.2025 and since then he is in custody. In the meantime the investigation process is over by submitting charge-sheet by the prosecution agency. Once the investigation stands concluded and the charge-sheet has been filed, the entire evidence that the prosecution seeks to rely upon is already before the Court and in its custody and at that juncture, the justification for continued incarceration of the accused substantially diminishes, for there remains no necessity for custodial interrogation or any apprehension of interference with the process of investigation. Pre-trial detention cannot be resorted to as a punitive measure. Such an approach is clearly impermissible in law and would strike at the very foundation of the constitutional guarantee under Article 21 of the Constitution of India, which enshrines the right to life and personal liberty. The continuation of custody, in the absence of concrete material to demonstrate that this accused is likely to tamper with evidence,

influence witnesses, or evade the trial, would thus amount to an unwarranted and unjustified curtailment of his fundamental right. This Court also cannot overlook the fact that, as per the present stage of proceedings, there is no immediate prospect of conclusion of the trial in the near future. In these circumstances, to keep the accused confined in custody for an indefinite and uncertain period would amount to a virtual punishment before conviction, which the law does not countenance.

5. Accordingly, **CRM (R) 58 of 2025** is **allowed**.

6. In view of above, the petitioner namely, **Debdulal Poddar** is enlarged on bail on furnishing a bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each subject to the satisfaction of Learned Additional Chief Judicial Magistrate, Dinhata 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.

7. In the event of any violation of the conditions enumerated in the preceding paragraph, the Learned Additional Chief Judicial Magistrate, Dinhata 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.

8. Urgent Photostat Certified Copy of this order may be supplied to the parties expeditiously, if applied for.

**(PRASENJIT BISWAS, J.)**