

11.09.2025
Court No.04
Item No.07
Nandita

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

CRM (M) 278 of 2025

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of the of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Meteali Police Station Case No. 117 of 2025, dated 18.07.2025** under Sections 103/3 (5) of the BNS.

In the matter of: **Rabiul Islam @ Montu**

....Petitioner.

Mr. Aniruddha Biswas,
Ms. Kanak Mishra,
Mr. Monoj Saha

... for the petitioner

Mr. Kallol Acharjee,
Mr. Kallol Nag

.. for the State

1. It is said by the petitioner that he is absolutely innocent and has been falsely entangled with the offence alleged. It is said by the learned Advocate for the petitioner that there is no witness to the incident and there is nothing material in the record for which this accused petitioner can be said to be involved with the offence alleged. He was arrested on 18.07.2025 on the basis of the statement made by the co accused and since then he has been languishing behind the bar. It is further contended that the electronic evidence does not support the story of the prosecution. Moreover, this accused petitioner is in custody since for a considerable period of time and no purpose will be served by detaining this accused petitioner behind the bar for the sake of custodial interrogation.

2. Learned Advocate for the State raises objection by submitting that there are sufficient incriminating materials in the record which show about prima face involvement of this accused petitioner with the alleged offence. The attention of this Court is drawn to the statements of the witnesses recorded by the Investigating Officer as well as the other documents. It is said by the learned Advocate that if this accused petitioner is enlarged on bail, then there is every possibility of hampering of the progress of the trial. Moreover, the offence involved in this case is heinous in nature.

3. I have considered the rival submissions made by both the parties. I have consulted with all the materials collected by the investigating agency during the course of investigation.

4. It emerges from the record that the unfortunate incident in question pertains to the victim having met with an unnatural death, the circumstances of which are grave. The materials collected during the course of investigation, at this stage, prima facie indicate the involvement of the present accused-petitioner with the alleged offence. The role ascribed to the accused, as reflected from the investigation papers, cannot be brushed aside lightly, particularly in view of the seriousness of the charge and the nature of the offence alleged. At the present juncture, when the accusations are supported by materials gathered by the investigating agency, the Court is of the opinion that it would not be prudent to enlarge the accused on bail.

5. Accordingly, **CRM (M) 278 of 2025** is hereby rejected at this stage.

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

(PRASENJIT BISWAS, J.)