

11.09.2025
Court No.04
Item No.10
Subadip

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

CRM (M) 284 of 2025

In Re: - An application for Bail under **Section 483** of the Code of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with P.T.N No. WBDJ0EP0031702025 **Pradhannagar Police Station Case No. 389 of 2025 dated 05.06.2025** under Sections 329(3)/ 319(2)/ 338/336(3)/351(2)(3)/61(2)of the BNS, 2023.

And

In the matter of: **Ashim Das**

....PETITIONER

Mr. Arunava Paul

...for the Petitioner

Mr. Abhijit Sarkar,
Mr. Bhaskar Das,
Mr. Subhasish Mishra.

....for the State

1. An application for bail is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with P.T.N No. WBDJ0EP0031702025 corresponding to Pradhannagar Police Station Case No. 389 of 2025 dated 05.06.2025 under Sections 329(3)/ 319(2)/ 338/ 336(3)/ 351(2)(3) / 61(2) of the BNS, 2023.

2. It is said by the petitioner that he is absolutely innocent and has/had got no connection with the offence alleged. Moreover, this accused petitioner is in custody since for a considerable period of time and in the meantime investigating process has sufficiently progressed. He is in custody since 14.06.2025. So, there is no requirement of further detention of this accused petitioner behind the bar for sake of custodial interrogation. Moreover, the

dispute is of civil nature and recourse may be taken before the Civil Court for cancellation of the alleged forged deed. So, it is prayed that this accused petitioner may be enlarged on bail on any condition which may be imposed upon him by this Court.

3. Learned Advocate for the State raises objection by stating that this accused petitioner has committed the same offence on earlier occasions and for which several cases have been started against him. It is further contended that sufficient incriminating materials have been collected by the investigating agency which show about *prima facie* involvement of this accused petitioner with the alleged offence. So, it is said that if at this stage this accused petitioner is enlarged on bail, then he may commit the self-same offence and the investigation process may be jeopardized.

4. The instant case was started on the basis of a complaint lodged by the de-facto complainant by stating interalia that this accused petitioner and others have allegedly made forged document and on the basis of said document some portion of the land was sold and transferred to other persons. It is apparent that this accused petitioner is in custody since 14.06.2025. The period of incarceration that he has already undergone has substantially enabled the investigating agency to conduct interrogation and collect material evidence. Thus, the very object of keeping him in custody has to a large extent been achieved. It further appears that although the investigation is still pending and has not yet culminated in submission of a final report, there is no indication placed before this Court that the continued custody of the accused is indispensable for the further progress of the investigation. The prosecution has not demonstrated any specific necessity for custodial interrogation at this juncture, nor has it produced

any cogent material to suggest that the presence of the accused in jail would meaningfully contribute to the advancement of the investigation.

5. Accordingly, this Court is of the considered view that the object and purpose of placing the accused in custodial detention stand substantially fulfilled, and no further necessity for his continued confinement has been demonstrated before this Court. In such a scenario, the justification for prolonging the incarceration of the accused pales into insignificance, rendering his further detention not only unwarranted but also oppressive to the cherished principles of personal liberty enshrined in law.

6. Accordingly, **CRM (M) 284 of 2025** is **allowed**.

7. In view of above, the petitioner namely, **Ashim Das** is enlarged on bail on furnishing a bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each, one of whom must be local subject to the satisfaction of learned Additional Chief Judicial Magistrate, Siliguri and subject to the conditions that he shall meet the investigating officer once in a week until further order and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

8. In the event of any violation of the conditions enumerated in the preceding paragraph, the learned Additional Chief Judicial Magistrate, Siliguri 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.

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

(PRASENJIT BISWAS, J.)