

11.09.2025
Court No.04
Item No.14
Subadip

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

CRM (M) 288 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. 4187 of 2025 in connection with **Siliguri P.S. Case No. 526 of 2025 dated 11.08.2025** under Sections 108/3(5) of the BNS, 2023.
And

In the matter of: **Preyashi Sarkar @ Prayoshi Sarkar**

....PETITIONER

Mr. Subhasish Misra,
Mr. Satyajit Paul,

...for the Petitioner

Mr. Ujjwal Luksom,
Ms. Namrata Das (V.C.)

....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. 4187 of 2025 in connection with **Siliguri P.S. Case No. 526 of 2025, dated 11.08.2025** under Sections 108/3(5) of the BNS, 2023

2. It is said by the petitioner that she is in custody since 20.08.2025. It is alleged in the written complaint that the victim had relationship with the present accused petitioner. The victim faced an unnatural death but it is contended that the accused petitioner had no role in the death of the victim. Moreover, this petitioner is a student and is pursuing graduation from Siliguri College. She is in custody since for a considerable period of time. It is further assailed by the learned Advocate that there is no material in the

record which shows about prima facie involvement of the accused petitioner with the alleged offence and as such no purpose will be served by detaining further of this accused petitioner behind the bar for sake of custodial interrogation. So, it is prayed that the accused petitioner may be enlarged on bail.

3. Learned Advocate for the State raises objection by submitting that the investigation process is still going on and sufficient incriminating materials have been collected by the investigating agency which indicate about prima facie involvement of this accused petitioner with the alleged offence and if at the stage the accused petitioner is enlarged on bail, then there is every possibility of hampering of progress of further investigation.

4. I have carefully examined all the materials placed on record by the prosecuting agency at the time of hearing and have also meticulously perused the statements of the witnesses recorded under the authority of the learned Magistrate, along with the other connected documents. It, however, appears that the post-mortem report, which is a material document in connection with this case, has not yet been collected by the investigating agency. Be that as it may, the accused-petitioner has already been in custody for a considerable length of time, and it is evident that the investigation has substantially progressed and reached an advanced stage. In these circumstances, the continued detention of the accused-petitioner behind the bar for an uncertain and indefinite period is neither justified nor warranted. It is also pertinent to note that there is no immediate prospect of the trial being brought to its conclusion in the near future. Prolonged incarceration, particularly at a stage where the investigation has advanced to such an extent, would amount to subjecting the accused to undue hardship and would run contrary to the constitutional mandate which

protects personal liberty. Having regard to the aforesaid facts and circumstances, and upon due consideration of the stage of investigation and the period of custody already undergone, I am inclined to enlarge the accused-petitioner on bail.

5. Accordingly, **CRM (M) 288 of 2025** is **allowed**.

6. In view of above, the petitioner namely, **Preyashi Sarkar @ Prayoshi Sarkar** is enlarged on bail on furnishing a bond of Rs. 20,000/- (Twenty 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, Darjeeling and subject to the conditions that she shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

7. In the event of any violation of the condition enumerated in the preceding paragraph, the learned Additional Chief Judicial Magistrate, Siliguri, Darjeeling 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.)