

12.9.2025
Court No.4
Item No.4
Samarpita

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

CRM (M) 290 of 2025

In Re: An application for post arrest bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Pulbazar Police Station Case No. 22 of 2024 dated 09.11.2024** under Section 130/3(5) of the Bharatiya NyaySanhita, 2023 corresponding to **G.R. Case No. 215 of 2024 (Sessions Case No. 7 of 2025)**

In the matter of: **Sanjay Subba @ Limbu @ Sanjay Limbu**

....Petitioner.

Mr. Mayank Roy,
Mr. Godwin Rai

... for the petitioner

Mr. Nilay Chakraborty,
Dr. Arjun Chowdhury

.. for the State

1. It is said by the petitioner that he is absolutely innocent and has been falsely arraigned with the crime. He has/had got no connection with the offence alleged. Investigation process has already been completed by submitting charge-sheet by the prosecuting agency and as such no purpose will be served by detaining this accused- petitioner behind the bar for the sake of custodial interrogation. It is further contended by the learned Advocate that other accused persons named in the F.I.R. have already been granted bail on earlier dates. Though this petitioner is F.I.R. named but there is no evidence on record reflecting the complicity of the petitioner in commission

of the alleged offence. So, it is prayed that the accused-petitioner may be also be enlarged on bail.

2. Learned Advocate for the State raises vehement 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. The offence involved in this case is heinous in nature. Moreover, the trial has already been commenced and evidence taking has already started. C.S.W. 1 has already been examined and next date is fixed for examination of C.S.W. 2 and if at this stage this accused-petitioner is enlarged on bail then there is every possibility of hampering of progress of the trial.
3. In support of his contention, learned Advocate for the State cited a decision rendered by the Hon'ble Apex Court in case of ***X-Vs. - State of Rajasthan & Anr. reported in 2024 SCC OnLine SC 3539*** and it is contended that Hon'ble Apex Court has held that in serious offence like rape, murder, dacoity etc. when once the trial has commenced and the prosecution starts examining its witnesses, the Court like Trial Court or High Court should be loath in entertaining bail application of the accused.
4. I have considered the rival submissions advanced by the parties and have and gone through the decision as rendered by the Hon'ble Apex Court in the above referred case.
5. It appears that investigation process in connection with this case has already been completed, and after framing of charge trial has already been commenced. It further appears that in

this case C.S.W.1/*de facto* complainant has already been examined and the next date is fixed for taking further evidence of prosecution witnesses. It is to be observed that the offence alleged against the accused is of a grave and heinous character, striking at the very root of societal order and public morality. It has been observed by the Apex Court in the above referred report that once the trial has already commenced and the prosecution has entered upon the stage of examining its witnesses, the Court ought to exercise great caution and circumspection while considering an application for bail. The stage of trial is of paramount importance, for it is during this period that the truth of the allegations is tested in the crucible of cross-examination and the prosecution seeks to unfold its case through the evidence of material witnesses. The seriousness of the charge and the manner in which the crime is said to have been committed leaves no room for leniency at this stage. At such a juncture, the release of the accused on bail carries with it an inherent risk of adversely affecting the fair course of the proceedings. The possibility of the accused influencing or intimidating prosecution witnesses, directly or indirectly, cannot be ruled out.

6. In view of the above, **CRM(M) 290 of 2025** is **rejected** at this stage.
7. Urgent Photostat Certified Copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Prasenjit Biswas, J.)