

11.9.2025
Court No.4
Item No.15
Rejected
Subadip

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

CRM (M) 291 of 2025

In Re: An application under Section 483 of the Bharatiya Nagarik Surakha Sanhita, 2023 in connection with **Mathabhanga Police Station Case No. 530 of 2025, dated 04.7.2025** corresponding to G.R. Case No. 1055 of 2025 under Sections 309(3)/ 126(2)/ 117(2)/ 109/ 103/3(5) of the Bharatiya Nagarik Surakha Sanhita, 2023.

In the matter of: **Biswajit Barman.**

....Petitioners.

Mr. Sandip Guha Roy,
Mr. Ananda Paul
... for the petitioner

Mr. Saikat Chatterjee,
Mr. Subhasish Misra
.. 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 further contended that the investigation process has already been completed by submitting charge sheet by the prosecuting agency. One of the accused persons namely Anath Chandra Barman was granted bail by this Court on earlier date. So, it is prayed that this accused petitioner may be released on bail as there is no necessity for further detention of this accused petitioner behind the bar for sake of custodial interrogation.

2. Learned Advocate for the State raises objection by submitting that the investigation process has already been culminated by submitting charge sheet by the prosecuting agency. The attention of this Court is drawn to the statements of the witnesses recorded by the learned Magistrate which show about involvement of this accused petitioner with the alleged offence. It is further contended that the materials gathered by the investigating agency show about the 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 the progress of the trial.
3. It is to be observed that the offence imputed to the accused is of a grave and heinous complexion, shaking the very foundations of societal order. The allegations disclose a crime of such seriousness and magnitude that it casts a long shadow upon the conscience of the community at large. The manner, in which the act is alleged to have been perpetrated, with brutality and diabolical overtones, leaves little scope for indulgence or leniency at this stage of the proceeding. The statement of the witnesses recorded by the Magistrate show about prima facie involvement of this accused petitioner with the alleged offence. The crime in question, by its sheer heinousness, militates against the plea for release, and

as such, this Court is not persuaded to exercise its discretion in favour of the applicant.

4. Accordingly, CRM (M) 291 of 2025 is hereby **rejected**.
5. Urgent Photostat Certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Prasenjit Biswas, J.)