

11.9.2025
Court No.4
Item No.16
Rejected
Subadip

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

CRM (M) 292 of 2025

In Re: An application under Section 483 of the Bharatiya Nagarik Surakha Sanhita, 2023 in connection with **Sitalkuchi Police Station Case No. 464 of 2024, dated 05.10.2024** in connection with **Sessions Case No. 15 of 2025** under Sections 103(10)/238/61(2) of the Bharatiya Nagarik Surakha Sanhita, 2023.

In the matter of: **Alam Mia.**

....Petitioners.

Mr. Subhasish Misra,
Mr. Satyajit Paul
... for the petitioner

Mr. Aditi Shankar Chakraborty, Ld. A.P.P.
Mr. Sagnik Sankar Sikdar.
.. for the State

1. It is said by this petitioner that he is in custody since for a considerable period of time and in the meantime investigation process is over by submitting charge sheet by the prosecuting agency. There is no material on record for which this accused petitioner may be entangled with the offence alleged. There is no specific allegation of assault as well as injury which had been inflicted solely by this petitioner which had caused the alleged death of the victim and he is not F.I.R. named person. It is contended by the learned Advocate for the petitioner that there is no immediate chance for commencement of the trial and this accused petitioner may not be kept behind the bar for indefinite period for sake of custodial interrogation. It is

further assailed by the learned Advocate that this accused petitioner is not the principal offender of the offence alleged and there is no material in the record for which it can be said that this accused petitioner has/had nexus with the crime. So, it is prayed that this accused petitioner may be enlarged on bail on the ground of his long detention behind the bar.

2. Learned A.P.P., Aditi Shankar Chakraborty, appearing for the State raises objection by submitting that the offence involved in this case is serious in nature. There are sufficient incriminating materials in the record which reflect about prima facie involvement of this accused petitioner with the alleged offence. It is further said that this accused petitioner may not be enlarged on bail for commission of such heinous offence and if at the stage this accused petitioner is enlarged on bail, then there is every possibility of hampering of the progress of the trial. So, it is prayed that the petition praying for bail filed by the accused petitioner may be rejected.
3. The instant case was started on the basis of a complaint lodged by the de-facto complainant on the unnatural death of the victim. The investigation process has culminated by filing a charge sheet by the prosecuting agency. 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. 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. The law consistently recognises that while liberty of an individual is indeed precious, the same cannot override the collective interest of society in matters

where the offence is so brutal, diabolical, and shocking to the conscience of the community. Thus, where the offence alleged bears the imprint of a heinous and reprehensible design, the principle of liberty must momentarily yield to the imperatives of justice and the preservation of order, for the law does not countenance granting indulgence in the face of allegations that are grave, brutal, and diabolical in nature. 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. Considering the heinousness of the offence and after considering the materials placed before this Court I am not inclined to enlarge the accused petitioner on bail.
5. Accordingly, CRM (M) 292 of 2025 is hereby **rejected**.
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.)