

13.02.2026

Item No.41

Ct.No.35

dc.

partly allowed

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

C.R.M. (M) 229 of 2026

In Re : An Application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Burwan Police Station Case No. 0252 dated 09.06.2025 under Sections 103(1)/109/117(2)/118(2)/126(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 (G.R. Case No. 1132 of 2025).

And

In Re : **Mithun Sk. and another**

... Petitioners.

Mr. Rajiv Lochan Chakraborty,
Mr. Sumanta Ganguly

... For the Petitioners.

Mr. Sanjay Banerjee,
Mr. Sharequl Haque

... For the State.

Learned senior advocate appearing for the petitioners submits that the petitioner no.1 is in custody for 250 days and the petitioner no.2 is in custody for 224 days; charge-sheet has already been submitted and another accused viz. Jamir Sk has been granted bail by the learned Sessions Judge. Till date, the said order has not been challenged.

Learned advocate appearing for the State opposes the prayer for bail and draws the attention of the Court to the statement of the eyewitnesses recorded under Section 183 of the BNSS, 2023.

I have taken into account the same and I find that the petitioner no.1 is better placed than the accused who has been granted bail. Considering the same, I am inclined to

release the petitioner no.1 on bail. As such, the prayer for bail of the petitioner no.1 is **allowed**.

Accordingly, the petitioner No.1 viz., **Mithun Sk.** shall be released on bail upon furnishing bond of Rs.20,000/-, with two sureties of Rs.10,000/- each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Kandi, Murshidabad.

If on bail, the petitioner No.1 shall be physically present on each and every date so fixed by the learned Trial Court and shall not leave the jurisdiction of the district of Murshidabad without prior permission of the learned Trial Court.

So far as the petitioner No.2 viz., **Nasir Sk.** is concerned, his prayer for bail at this stage is **rejected**.

The application for bail, being CRM (M) 229 of 2026, is, thus, disposed of.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)