

D/L285
02.07.2026
Bpg.
Allowed

C.R.M. (M) 1089 of 2026

In Re: An application for bail under Section 439 of the Criminal Procedure Code, 1973 corresponding to under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Domkal Police Station Case No.253 of 2023 dated 13.04.2023 under Sections 368/370/370A/376A/376D/323/506 of the Indian Penal Code, 1860;

Nilkantha Das & Anr.
Versus
The State of West Bengal & Anr.

Mr. Arnab Chatterjee
Mr. Anisur Rahaman.
...for the petitioners.

Mr. L. Vishal Kumar
Ms. Rima Banerjee.
...for the State.

Ms. Sarmistha Basak.
...for the de facto complainant.

Learned advocate appearing for the petitioners submits that the petitioner no.1 is in custody for 2 years 10 months and the petitioner no.2 is in custody for 2 years 5 months. The evidence of the victim has already been recorded and there has been deviation from the earlier statement which has been recorded in course of investigation and the deposition before the court.

Learned advocate appearing for the de facto complainant leaves it to the discretion of the Court so far as the bail of the accused persons are concerned.

Learned advocate for the State opposes the prayer for

bail.

However, having regard to the evidence which has been deposed before the court, I am of the opinion that the victim has diluted the allegations which were initially presented to the investigating agency. Having regard to the change of circumstances, I am inclined to release the petitioners on bail.

Accordingly, the prayer for bail of the petitioners is allowed. The petitioner no.1, namely, Nilkantha Das and the petitioner no.2, namely, Tujam Sk @ Tujammel Sk @ Tujam Mondal @ Tajommel Sekh shall be released on bail upon furnishing bond of Rs.20,000/- (Rupees Twenty Thousand only) each with two sureties of Rs.10,000/- each, one of whom must be local to the satisfaction of the learned CJM, Berhampore, Murshidabad. If on bail, the petitioners shall be physically present on each and every date before the learned trial court and shall not leave the District of Murshidabad without prior permission of the learned trial court.

Thus, CRM(M)1089 of 2026 is allowed.

All 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 of all requisite formalities.

(Tirthankar Ghosh, J.)

