

03.06.2026

Item no. 6.

Court No.7.

AB

(Rejected)

CRM (M) 1295 of 2026

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Bidhannagar South Police Station Case No.191 of 2025 Dated 31.10.2025 under Sections 140(3)/303(2)/103(1)/238/61(2)/103(2) of the B.N.S. 2023

And

In the matter of : Sajal Sarkar

.....Petitioner.

Mr. Moyukh Mukherjee,
Mr. Sarthak Mondalfor the Petitioner.

Mr. Brojesh Jha, Id. APP
Ms. Priti Kar Bagchifor the State.

1. Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in this case and further the principal accused, namely, Prasanta Barman was not arrested in spite of the direction of the Hon'ble Supreme Court. He was also not charge sheeted for the reasons best known to the Investigating Officer.
2. Learned Counsel for the State opposes the prayer for bail.
3. It appears that there are sufficient incriminating materials against the present petitioner since his Toyota Fortuner Car was used in the commission of the alleged offence and more interestingly, it is found that one accused, namely, Prasanta Barman, who was specifically named in the first information report, was

not arrested even after the direction of the Hon'ble Supreme Court.

4. It also appears from the charge sheet that the Investigating Officer, namely, Saswata Banerjee has made observations in a camouflage manner in the charge sheet regarding the said accused. The Investigating Officer did not mention whether he was not sent up or the charge sheet was submitted showing him as an absconder. It is unfortunate that in spite of direction, the principal accused namely, Prasanta Barman, who is alleged to be a BDO, was not arrested.
5. Therefore, it appears that the Investigating Officer has failed to discharge his duty in accordance with law and there is a serious dereliction of duties on his part. The concerned Director General of Police, West Bengal is directed to initiate immediate disciplinary proceeding against the Investigating Officer, namely, Saswata Banerjee at once. Now it is expected that the Director General of Police, West Bengal shall take effective steps against the accused, namely Prasanta Barman who is still evading the arrest in spite of direction of the Hon'ble Supreme Court. It is further expected that the Director General of Police, West Bengal will ensure that the accused Prasanta Barman is brought under the course of justice in connection with this case.

6. The bail application filed by Sajal Sarkar being CRM (M) 1295 of 2026 stands rejected.
7. Learned Registrar General is requested to communicate this order to the Director General of Police, West Bengal, for immediate compliance.
8. The DGP, West Bengal is further requested to submit a compliance report within ten days from date before the learned Registrar General of this Court.
9. CRM (M) 1295 of 2026 is disposed of accordingly.
10. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)