05.10.2026
Court No.35.
D/L.01.
Rakib

CRM (M) 1902 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 Tamluk Cyber Police Station case no. 05 of 2025 dated 22.01.2025 under Sections 316(2)/318(4)/336(3)/338/340(2)/61(2) of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of : Joga Ram & Anr.

.....Petitioners.

Mr. Sandipan Ganguly, Sr. Adv,
Mr. Karan Dhudhewala
Mr. Shivam Pathak
Mr. K. Hussain

.....for the Petitioners.

Mr. Amitava Karmakar
Mr. Prantik Sarkar

.....for the State.

Petitioners were granted default bail and it reflects that such default bail was on the foundation of the report of G.R.O., Tamluk who informed that charge-sheet has not been submitted even after expiry of 90 days. On such premise learned Chief Judicial Magistrate granted bail to the petitioners.

Records of the case reflect that petitioners were arrested on 16th of June, 2026 when already the first charge-sheet was submitted before the Court (the said charge-sheet is C.S. No. 60/2025 dated 25.08.2025).

The bail application in the present case was filed before this Court on 23.07.2026, when the bail was application was taken up on 28.09.2026 and the same was rejected. Subsequently, it was brought to the notice of the Court that the learned Chief Judicial Magistrate, Tamluk has already granted bail.

Records reflect that on 19.09.2026 default bail was granted. If an accused is arrested after the charge-sheet is submitted before the Court the provisions of default bail under no circumstances apply. Consequently, I am of the opinion that the order passed on 19.09.2026 has no legal foundation, as such, the said order is hereby set aside. The bail granted to the petitioners on the issue of non-submission of charge-sheet even after expiry of 90 days is not applicable to the present case. Consequently, the bail order is cancelled.

Petitioners are directed to surrender before the jurisdictional Court by 12th of October, 2026, failing which harsher process of law will be issued by the learned Chief Judicial Magistrate, Tamluk.

Earlier the application was disposed of as dismissed, however, in view of the same being brought to the notice of the this Court the matter was directed to appear as 'To Be Mentioned'.

Consequently, CRM (M) 1902 of 2026 is **disposed of** with a direction to the learned Chief Judicial Magistrate, Tamluk to adhere to the directions passed above.

Learned Registrar General, High Court, Calcutta will communicate this order to the learned Chief Judicial Magistrate, Tamluk.

Memo of evidence submitted by the State be kept with the record.

All parties shall act in terms of server copy of the order 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.)