A 5
October 5, 2026
Ct. 34
Sarbani

Allowed

CRM(M) 2133 of 2026

An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Mandir Bazar P.S. Case No.80 of 2025 dated 24.02.2025 under Sections 103/351(2)/61(2) of the BNS, 2023.

And

In the matter of: Nachma Mallick @ Najma

... petitioner

Mr. Md. Aslam Khan

... for the petitioner

Ms. Rajashree Venket Kundalia
Mr. Deepak Khetawaf
Mr. Shakeen Ahmed

... for the State

1. Copy of memo of evidence filed by the State is taken on record.

2. The application has been filed on behalf of the petitioner under Section 483 of the BNSS, 2023.

3. It is submitted that the petitioner is in custody since February, 2025. Despite the charge has been framed and the schedules fixed on so many occasions, none appeared on behalf of the prosecution. Out of 29 witnesses, not a single witness has been examined till date. In addition, it is submitted that the petitioner is not an FIR named accused or her name appeared in the initial charge-sheet. In the supplementary charge-sheet, she has been arraigned as an accused when she is no way connected with the present case.

4. Learned prosecution raises serious objection. It is submitted that there are ample incriminating materials on record, phone calls and CDR which are collected and are now pending before forensics and granting of bail will have serious consequences. Accordingly, prays for dismissal of this application.

5. Heard the submissions of both parties.

6. Perused the materials on record, the case diary and the contents of the allegations levelled against the petitioner.

7. Considering the period of detention of the petitioner, a lady, absence of any direct role attributed by her, further considering inordinate delay in disposal of the case for absence of prosecution witness when out of 29 witnesses, not a single witness has been adduced as evidence as of now, this Court is of the view that the right of speedy trial as mandated by the Hon'ble Supreme Court has been violated.

8. Accordingly, this Court is inclined to allow the prayer.

9. The petitioner, namely, Nachma Mallick @ Najma, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Additional District Judge, Fast Track 3rd Court, Diamond Harbour, South 24 Parganas on condition,

a) The petitioner will regularly attend the court on each and every date of the trial as well as on the date so fixed by the learned court.

b) The petitioner will not try to tamper with the evidence.

c) The petitioner will not enter into the jurisdiction of Mandir Bazar Police Station without obtaining permission from the Officer-in-Charge of the concerned police station.

10. In the event the petitioner fails to comply with any of the conditions stipulated above, the trial court shall be at liberty to cancel the bail in accordance with law without further reference to this court.

11. The application for bail is, thus, **allowed.**

12. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

13. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

[Chaitali Chatterjee (Das), J.]