09.10.2026

Sl. No. DL 17
Court No. 550
ALLOWED

Asraf, A.R.(Ct.)

In the High Court at Calcutta

Criminal Miscellaneous Jurisdiction

Case No.

CRM (M) 2340 of 2026

In Re : An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to Section 439 of the Code of Criminal Procedure, 1973 filed

in connection with

Hariharpara Police Station case no.819 of 2025 dated 06.12.2025 under Sections 103(1), 61(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

-AND-

In the matter of :

1. **MOTIUR RAHAMAN BISWAS @ DOSA**
2. **RIPON BISWAS @ RIPON**
3. **SALAM BISWAS @ CHHALAM**

.....*Petitioners*

For the Petitioners :

Mr. Sekhar Kumar Basu, Sr. Advocate
Mr. Diptangshu Basu

...*Advocates*

For the State :

Mr. Krishnendu Bhattacharya, APP
Ms. Priti Kar Bagchi

...*Advocates*

1. Learned Senior Counsel for the petitioners submits that the petitioner no.1 is in custody for 276 days and the petitioner nos.2 and 3 for 278 days as well. He further submits that the petitioners did not commit any offence. The statements of the witnesses do not show that they assaulted the victim in any manner. There are 26 witnesses in the chargesheet to be examined by the prosecution during trial. The case has not yet been committed for the trial for the reasons best

known to the prosecution. He submits that as there is no chance of early conclusion of trial, the petitioners who are not the principal assailants, may be enlarged on bail.

2. Learned counsel for the State vehemently opposes the prayer for bail of the petitioner and submits that there are sufficient incriminating materials against the petitioners and as such, the prayer for bail should be rejected. She has drawn the attention of this Court to the statement of the witnesses recorded under Sections 183 as well as 182 of the Bharatiya Nagarik Suraksha Sanhita, 2023. According to her, the present petitioners were very much present at the place of occurrence when the gruesome murder took place. However, she further submits that the case has not yet been committed for trial till date due to abscondence of some other accused persons.

3. I have gone through the materials on record. It appears that the present petitioners are not the principal assailants as per the statements of the witnesses recorded under Section 183 of Bharatiya Nagarik Suraksha Sanhita, 2023. It further appears that the investigation is complete but the trial has not yet been commenced. There are 26 witnesses to be examined by the prosecution. There is no chance of early conclusion of the trial. No fruitful purpose will be served in keeping the petitioners in custody any further, particularly when they are not the principal assailants in this case.

4. In view of above, I am of the opinion that further custodial detention of the present petitioners is not required.

Accordingly, the prayer for bail of the petitioners stands **allowed**.

5. As such, each of the petitioners shall furnish bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of Rs.5,000/- (Rupees Five Thousand only) each, one of whom must be local to the satisfaction of the learned Chief Judicial Magistrate, Murshidabad subject to condition that the petitioners shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever and also on further condition that the petitioners shall be physically present on each and every date before the learned Trial Court in seisin of the case. The petitioners shall not enter the jurisdiction of Hariharpara police station except for the purpose of attending Court but they shall remain within the geographical limits of Murshidabad district and they shall also furnish the local address where they shall reside to the learned Trial Court. In addition, they shall meet the Inspector-in-Charge of the local jurisdictional police station twice in a week until further order of the learned Trial Court.

6. In the event, the petitioners fails to comply with any of the conditions as mentioned hereinabove without justifiable cause, the learned Trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

7. With the above observations, the instant application for bail is disposed of.

8. Case diary be returned to the learned advocate appearing for the State.

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

10. Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Apurba Sinha Ray, J.)