09.10.2026
Sl. No. 5
Court No.550
Rohan
(Allowed)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
APPELLATE SIDE

C.R.M.(M) 2359 of 2026

In Re: An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with A.J.C. Bose B. Garden Police Station Case No. 139 of 2025 dated 14.07.2025 under Sections 103/61(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023.

-And-

In the matter of: Avishek Sharma

...Petitioner

Mr. Bibhaswan Bhattacharya
Mr. Anjan Banerjee
Mr. Sourav Paul

...for the Petitioner

Mr. Gouranga Kr. Das, APP
Mr. Amal Kumar Datta
Mr. Rishav Kr. Thakur

... for the State

Mr. Anindya Ghosh
Mr. Pronojit Roy

... for the *De facto* Complainant

1. Learned counsel for the petitioner submits that the petitioner is in custody for about 15 months. Although charge-sheet has been submitted, there is no chance of an early conclusion of the trial since the learned Trial Court is lying vacant as no regular Presiding Officer is posted therein.
2. Learned counsel for the petitioner has also drawn the attention of this Court to the statement of one of the witnesses recorded under Section 164 of Cr.P.C./183 of BNSS, wherefrom, it shows that the present petitioner was not the actual assailant. According to the learned counsel, the petitioner may be granted bail on any condition.

3. Learned counsel for the State opposes the prayer for bail. According to him, there are sufficient incriminating materials against the present petitioner. The petitioner was very much present at the place of occurrence. The statement recorded under Section 164 of Cr.P.C. shows that the petitioner prevented someone so that the said person cannot resist the principal assailants to commit the offence.
4. Learned counsel for the *de facto* complainant has also raised objection. According to him, the petitioner was present and was an active participant in commission of the offence.
5. I have gone through the materials on record. It appears that the petitioner is not the principal assailant. Although he was present in the spot, he did not assault the victim. The petitioner is in custody for about 15 months. Investigation is complete and no purpose would be served by keeping the petitioner in custody. It is also found that the principal assailants are in custody.
6. In view of the above, the application for bail of the petitioner, namely, **Avishek Sharma** is **allowed**.
7. I direct the petitioner will be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of like amount each, one of whom must be a local, to the satisfaction of the learned Additional District Judge, 2nd Court, Howrah. The petitioner shall appear before the learned Trial Court on each and every day of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973/Section 355 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and shall not intimidate the witnesses and/or tamper with

evidence in any manner whatsoever. The petitioner shall not enter the jurisdiction of A.J.C. Bose B. Garden Police Station and shall remain within the jurisdiction of Uluberia Police Station, except for the purpose of attending Court and shall meet the Inspector-in-Charge of the Uluberia Police Station once in a week until further order of the learned Trial Court.

8. In the event, the petitioner fails to comply with any of the conditions as stated above, the learned Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.
9. Thus, the application for bail being **C.R.M. (M) 2359** of **2026** stands **disposed of**.
10. All parties shall act on the server copy of this order duly downloaded from the official website of this Hon'ble Court.
11. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance with all requisite formalities.

(Apurba Sinha Ray, J.)