25.11.2026
Serial no. 308
[G.S.Das]
Assistant Registrar
(Court)

CRM (M) 2389 of 2026

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/under Section 483 of the BNSS, 2023 in connection with Malda PS Cse no. 212 of 2023 dated 26.04.2023 u/s 302/427 of the IPC.

-And-

In the matter of : Subir Das @ Sudhir Das

… Petitioner(s)

Md. Wasim Akram
Ms. S. Parveen

… for the Petitioner(s)

Mr. Rajendra Banerjee, APP
Mr. Subhabrata Chowdhury
Mr. Nrattam Acharyya

… for the State-respondent(s)

Learned advocate for the petitioner submits that the petitiner is in custody for three years seven months, charge-sheet has been submitted and till date four witnesses have been examined out of the 16 witnesses proposed to be examined by the prosecution.

State opposes the prayer for bail.

I have taken into account the materials appearing in the case diary and the genesis of the case which relates to cutting down of certain banana trees which were on the land owned by the victim. There was a dispute between the two brothers over the property and the accused struck the victim with a stick on the head.

Be that as it may, having considered the period of detention of the present petitioner and the fact that some time will be required to take the trial to its logical conclusion, without further entering into the merits of the case, I am inclined to release the petitioner on bail.

Hence, the prayer for bail of the petitioner is **Allowed.**

Accordingly, the petitioner viz, **Subir Das @ Sudhir Das** shall be released on bail upon furnishing bond of Rs.20,000/-(Rupees Twenty Thousand only), with two sureties of Rs.10,000/- (Rupees Ten Thousand only) each, one of whom must be local, to the satisfaction of the learned CJM, Malda.

If on bail, the petitioner shall also make himself physically available on each and every date so fixed by the learned trial court and shall not leave the district of Malda without prior permission of the learned trial court or the court *in seisin* of the case.

Additionally, it would be discretion of the learned trial court to assess whether the presence of the petitioner at his residence may create any insecurity amongst the other witnesses. If, such situation is the issue felt by the learned trial court, the learned trial court would pass specific directions for the petitioner to stay outside the jurisdiction of Malda police station.

Accordingly, CRM (M) 2389 of 2026 is **allowed**.

Pending application(s), if any, is also disposed of.

The observations made above are only restricted for adjudication of the bail application and should not be considered as final opinion on the merits of the case.

Memo of evidence submitted be kept with the record.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)