09.10.2026

Sl. No. DL 20
Court No. 550
ALLOWED

Asraf, A.R.(Ct.)

In the High Court at Calcutta

Criminal Miscellaneous Jurisdiction

Case No.

CRM (M) 2497 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

Kirnahar Police Station case no.44 of 2026 dated 06.06.2026 under Sections 126(2), 115(2), 117(2), 118(2), 109(1), 103(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

-AND-

In the matter of :

FARHAD HOSSAIN @ RAKESH @ SEKH FARHAD HOSSAIN @ SK FARHAD HOSSAIN

.....*Petitioner*

For the Petitioner :

Mr. Milon Mukherjee, Sr. Advocate
Mr. Sanat Kr. Das
Mr. Sujon Chatterjee
Mr. Rohan Bavishi

...*Advocates*

For the State :

Dr. Pradip Banerjee, APP
Mr. Debojyoti Deb
Mr. Arijit Bhusan Bagchi

...*Advocates*

For the De facto Complainant :

Mr. Sabyasachi Chatterjee
Mr. Badrul Karim
Mr. Aminul Hossain

...*Advocates*

1. Learned Senior Counsel for the petitioner submits that the present petitioner is not the principal assailant. He is in custody since 7th June, 2026. No sharp cutting weapon was recovered from him. The post mortem report shows that the victim suffered incise wounds on his body and as a result of

which he died. Mr. Mukherjee has further submitted that one bamboo stick was recovered from the possession of the present petitioner. The witnesses have also stated before the Investigating Officer that the petitioner was armed with a bamboo stick. Since the cause of the death of the victim is due to the injuries as mentioned in the post mortem report, the petitioner cannot be said to have caused the death of the victim.

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 petitioner and as such, the prayer for bail should be rejected. He has drawn the attention of this Court to several statements recorded under Section 182 of the Bharatiya Nagarik Suraksha Sanhita, 2023 as well as to the post mortem report. He has categorically stated that one bamboo stick was recovered from the possession of the present petitioner. It is also brought to the notice of the Court that 11 FIR named accused are absconding. He also submits that there are also other injured victims and eye-witnesses to the incident.

3. Mr. Chatterjee, learned counsel appearing for the de facto complainant has submitted that the petitioner was very much present at the place of occurrence and he also took part in assaulting the victim along with others. He strongly opposes the prayer for bail of the present petitioner.

4. I have gone through the materials on record. It appears from the record that the investigation is complete. So far as the present petitioner is concerned, from the FIR and the statements of the witnesses, it transpires that the petitioner was armed with bamboo stick. The post mortem report shows that the injuries sustained by the victim where clots were also found on the scalp. However, as the investigation is complete and no sharp cutting weapon was recovered from the present petitioner, I am of the opinion that further custodial detention of the present petitioner is not required.

5. Accordingly, the prayer for bail of the petitioner stands **allowed**.

6. As such, the petitioner 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 Additional Chief Judicial Magistrate, Bolpur, Birbhum subject to condition that the petitioner shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever and also on further condition that the petitioner shall be physically present on each and every date before the learned Trial Court in seisin of the case. The petitioner shall not enter the geographical limits of Birbhum district except for the purpose of attending Court and they shall also furnish the local address where he shall reside to the learned Trial Court. In addition, he shall meet the Inspector-in-Charge of

the local jurisdictional police station once in a week until further order of the learned Trial Court.

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

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

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

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

11. 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.)