

05.03.2026

Item No.23

Ct.No.35

dc.

**IN THE HIGH COURT AT CALCUTTA**  
**CRIMINAL MISCELLANEOUS JURISDICTION**

**C.R.M. (SB) 138 of 2024**

**Smt. Taramoni Das**

**versus**

**The State of West Bengal & Ors.**

**In Re:** An Application for cancellation of bail under Section 483(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

Mr. Kamalesh Chandra Saha,  
Ms. Payel Mitra,  
Ms. Piali Santra ... For the Petitioner.

Mr. Arindam Sen,  
Mr. Akash Ganguly ... For the State.

Mr. Shibaji Kumar Das,  
Ms. Deblina De,  
Ms. Moitriye Das ... For the Opposite Party Nos. 2, 3 & 4.

Learned advocate appearing for the petitioner has applied for cancellation of bail in respect of accused/opposite party nos. 2, 3 and 4 herein. Learned advocate has drawn the attention of the Court to the order dated 23.08.2024 where accused/opposite party no.2 viz. Khuku Biswas on surrender was granted bail and another order dated 29.08.2024 wherein the accused/opposite party no.3 viz. Arindam Biswas and accused/opposite party no.4 viz. Akash Panda have been granted bail. Emphasis was made on medical certificate.

I find that the said certificate has been issued by the son of the present petitioner. *Prima facie*, the tenor of the dispute which has been canvassed reflects that genesis of the case has arisen from matrimonial dispute. So far as the present petitioner is concerned, the investigating authorities

either failed to collect or the same was not handed over in course of investigation so far as any medical document is concerned. There are statements of witnesses and the petitioner has also made her statement under Section 164 of the Code of Criminal Procedure. There are allegations of supervening circumstances. I find that charge-sheet has already been submitted before the jurisdictional court. However, having taken into account the overall materials which are appearing in the case diary, I am of the opinion that so far as the opposite party no.1 viz. Khuku Biswas is concerned as there was compliance of Section 35(3) of the BNSS, no interference is called for in the order of bail so granted.

So far as the other two accused/opposite parties are concerned who surrendered on 29.08.2024, there has been no reflection whether any notice was issued and whether there has been compliance. It was the duty of the learned Magistrate at the relevant point of time to assess regarding the availability of the accused persons in presence of the investigating agency in course of the investigation. However, there is no complaint which I find from the side of the investigating agency also which is available in the case diary. Having taken into account the overall circumstances particularly allegations and counter-allegations between the parties and the genesis of the case stemming out of a matrimonial dispute, I am of the opinion that this is not a fit case for interference after the order of bail was granted in the month of August, 2024.

However, if there are circumstances which calls for interference so far as imposing conditions are concerned, according to the need of the trial court, I direct that the learned Trial Court would in such circumstances, ensure that if there is any impediment in the progress of the trial, conditions be imposed to bind the accused/opposite parties so that the trial of the case can proceed smoothly. Since the charge-sheet has been submitted on or about September, 2024, I am of the view that at this stage, it would not be fit and proper to interfere. The learned Trial Court at this stage would proceed towards consideration of charges and for the trial of the case so that the same can be taken to its logical conclusion within a reasonable period of time.

This will not prevent the accused/opposite parties from exhausting remedies available in law, if any.

With the aforesaid observations, the application for cancellation of bail being CRM (SB) 138 of 2024 is disposed of.

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

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

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

**(Tirthankar Ghosh, J.)**