12.11.2026
Court No.35.
D/L.108.
Rakib
(Allowed)

CRM (M) 2703 of 2026

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kotwali Police Station case no. 236 of 2026 dated 04.03.2026 under Sections 103(1) of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of : Susanta Das

.....Petitioner.

Mr. Abhinav Rakshit
.....for the Petitioner.

Mr. Ranojoy Chatterjee
Ms. Anindita Mukherjee
.....for the State

Learned advocate appearing for the petitioner submits that petitioner is in custody since 05.03.2026 and has been foisted with the criminal case only on the issue that the petitioner being Toto driver was last seen with the deceased.

Learned advocate appearing for the State has produced the Case Diary.

I have taken into account the statement of the witnesses. The case is based on circumstantial evidence and there is no previous enmity which is reflecting from the statement of the witnesses. The only material by which the prosecution proposed to connect the petitioner with the offence relates to blood collected from the vehicle/Toto which was plied by the petitioner. The said vehicle was seized on or about 08.03.2026 and was lying in the police compound, however, the sample of blood which has been sent to the FSL was seized on 18.05.2026.

Having considered the overall circumstances and the culpability of the petitioner not being addressed in the materials which have surfaced as also there are no eye-witnesses and the delayed manner in which the prosecution has relied on the blood sample, do not inspire this Court to further detain the petitioner behind the custody. As such, the prayer for bail of the petitioner is **allowed.**

Consequently, the petitioner, namely, **Susanta 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 Chief Judicial Magistrate, Krishnagar, Nadia.

If on bail, the petitioner shall be physically present on each and every date before the learned Trial Court and shall not leave the jurisdiction of district of Nadia without prior permission of the learned Trial Court.

Thus, CRM (M) No. 2703 of 2026 is **allowed.**

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

Memo of evidence submitted by the State be kept with the record.

All parties shall act in terms of server copy of the order 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.)