17.11.2026
Item No.76
Ct.No.35
dc.
Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M. (M) 2736 of 2026

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Phoolbagan Police Station Case No. 20 of 2021 dated 19.01.2021 under Section 302 of the Indian Penal Code, 1860 (G.R. Case No. 181 of 2021).

And

In Re : **Rabi Dutta @ Chotka**

... Petitioner.

Mr. Chandra Sekhar Jha,
Mr. Aditya Kumar,
Mr. Hritik Pandit

... For the Petitioner.

Mr. Parmanand Sharma, APP,
Mr. Debojyoti Deb,
Mr. Mukesh Kumar Gupta

... For the State.

Learned advocate appearing for the petitioner submits that petitioner is in custody since January, 2021. It has been submitted on behalf of the petitioner that till date, only 4 witnesses have been examined and the prosecution has relied upon 30 witnesses in support of its case.

Learned advocate appearing for the State, on the other hand, opposes the prayer for bail and produces the case diary.

The Memo of Evidence submitted on behalf of the State reflects that there is no reference relating to persuasion of the trial before the jurisdictional court. It has been admitted that only CSWs 1, 2, 29 and 8 have been examined.

Five years ten months have passed. The Memo of Evidence do not reflect that there is any antecedent of the present petitioner. Having considered the period of detention of the present petitioner and there are lack of efforts on

behalf of the prosecution, I am inclined to release the petitioner on bail. As such, the prayer for bail of the petitioner is **allowed**.

Accordingly, the petitioner viz., **Rabi Dutta @ Chotka** shall be released on bail upon furnishing bond of Rs.20,000/-, with two sureties of Rs.10,000/- each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Sealdah.

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 Kolkata Municipal Corporation and the district of South 24-Parganas without prior permission of the learned Trial Court.

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 learned advocate appearing for the State be kept with the record.

The application for bail, being CRM (M) 2736 of 2026, is, thus, disposed of.

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.)