

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

03.07.2026
Ct No.5
Item No.30
Ranita

CRM (A) 451 of 2026

In Re:- An application for Anticipatory Bail under Section 482 of
the Bharatiya Ngarik Suraksha Sanhita, 2023
And

In Re: **Puja Das**

.....Petitioner

Mr. Subham Ghosh
Mr. Ujjwal Luksom

...for petitioner.

Mr. Avrojoyti Das, Ld. APP
Mr. Kallal Ghosh
Mr. Tapas Prasad

...for State.

1. The petitioners are the accused person in connection with Pradhan Nagar Police Station Case No.96 of 2026 dated 04.02.2026 under Section 137(2)/140(3)/61(2) of the Bharatiya Nyaya Sanhita 2023 and adding Section 143(1) (f) (2) of Bharatiya Nyaya Sanhita 2023, corresponding to PTN Case No.369 of 2026, pending before the Learned Additional Chief Judicial Magistrate at Siliguri.
2. Learned advocate for the petitioner has submitted that the other two accused persons and not the petitioner is the kingpin

of the entire criminal activity which has been alleged in the F.I.R. On the contrary, he says that the present petitioner is another victim like the wife of the de facto complainant. Further he has submitted that the other two accused persons have been already taken into custody and investigation has proceeded well; that there would not be any fruitful purpose served any more by keeping in detention the present petitioner who is not involved in the alleged offences at all.

3. Learned advocate for the petitioner has further relied on the judgment of the Supreme Court in ***Ram Kishan Singh Vs. Harmit Kaur And Another*** reported in ***(1972) 3 Supreme Court Cases 280*** to submit that the statement, if any, of the victim recorded under Section 183 of BNSS would not be a substantive piece of evidence and cannot be relied on at the time of considering the petitioner's prayer for anticipatory bail.
4. State has raised strong objection as to the contention and prayer of the petitioner as above, particularly on the basis of the victim's statement recorded before the learned Magistrate.
5. Learned advocate for the State has submitted that the present petitioner is kingpin of the offence who consciously runs a racket and has controlled and executed the entire plan of taking the victim out of her house and be trafficked to another state. He raises strong objection as to the prayer of bail of the petitioner.
6. Having heard submission of both the learned advocates as well as perusing the materials in C.D and the judgment referred to

on behalf of the petitioner, I am of the considered view that the alleged offences is of sufficient gravity, involving trafficking of women. Petitioner's involvement along with other co accused persons as would appear from the materials available in CD, in particular statement under Section 173 BNSS, is direct particularly that as regards the role of the present petitioner.

7. It is pertinent to mention that the judgment relied upon by the learned advocate for the petitioner is not applicable in this case at this moment as in the same, the Supreme Court was dealing with the appeal against the order of eviction and being so, the weight of statement of the victim made before the Magistrate has been considered by the Hon'ble Supreme Court. The same proposition though is settled law, is not applicable here at this stage when the Court is considering prayer for anticipatory bail of the petitioner at a time when the investigation is still not completed.
8. For the reason as discussed above, the bail prayer of the petitioner is rejected.

(Rai Chattopadhyay, J.)