D/L 27

17.11.2026
Chanchal A.R.(Ct.)
ct.no.5
Allowed

In the High Court at Calcutta

Criminal Miscellaneous Jurisdiction
Circuit Bench at Jalpaiguri

C.R.M (M) 276 of 2026

Tusta Choudhury
Vs
The State of West Bengal

In Re: An Application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **New Mekhliganj** Police Station Case No. **321** of **2025** dated **30.10.2025** under Sections **115(2)/117(2)/103(1)/61(2)/3(5)** of the BNS.

And

In the matter of : Tusta Choudhury.

...Petitioner.

Ms. Srishti Sarkar
Mr. Payel Chanda
Ms. Bipasha Mrug

...for the Petitioner

Mr. Jonardan Periwal, Jr. P.P.
Mr. Gobinda Ghosh
Ms. Rajyashree Ghosh

...for the State

1. The learned Advocate representing the petitioner submitted the petitioner to have been in custody for 390 days. The charges could not be framed till date though the charge-sheet had been submitted on 24th January, 2026. Four out of 5 accused persons have already been granted bail and the process of completion of trial in proximity being remote he seeks for grant of bail.

2. The learned Advocate representing the State placed a report on behalf of the Officer-in-Charge of Mekhliganj Police Station, Cooch Behar explaining as to why the charges could not be framed till date due to absconsion of one of the accused persons against whom warrant of arrest had been pending. Let a copy of the report dated 20th November, 2026 be kept on record.

3. The learned advocate representing the State further referred to the statements recorded under Section 180 BNSS as well as Section 183 BNSS whereby the direct involvement of the petitioner had been evident and his indictment to have been indubitably explained. Considering the gravity of the offence he opposed the prayer for bail.

4. Perused narrative of the complaint, the statements recorded under Section 180 and 183 of the BNSS as well as the post mortem report. The charge-sheet has been filed on an earlier date. The charges have not been framed, which impede the commencement of trial and its conclusion imminently being remote the prayer for bail is considered and allowed.

5. Accordingly, Petitioner, namely, **Tusta Choudhury** shall furnish bond of Rs. 30,000/- (Rupees Thirty Thousand Only) with two sureties of like amount each, one of whom must be local to the satisfaction of Learned Additional Chief Judicial Magistrate, Mekhliganj, Cooch Behar.

6. The petitioner shall be physically present on each and every date fixed before the learned Trial Court and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition the petitioner shall meet with the Officer-in-Charge of the concerned Police Station once in a week until further orders. The petitioner shall submit his address where he would be residing to the Trial Court along with his Mobile number not to be changed without prior permission of the Trial Court.

7. In the event the petitioner fails to appear before the trial Court without justifiable cause, the Trial Court shall be at liberty to cancel his bail automatically without reference to this Court.

8. The concerned trial court is to issue stringent orders whereby the absconded accused can be brought before the Court for framing of charge and commencement of trial.

9. Accordingly, CRM (M) **276** of 2026 is **allowed**.

10. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

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

(Ananya Bandyopadhyay, J.)