6.10.2026
17
SB
Ct no. 5
Rejected

Calcutta High Court
In the Circuit Bench at Jalpaiguri

C.R.M. (M) 316 of 2026

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in Criminal case no. 777 of 2026 in connection with CR case no. 718 of 2026 pending before the Learned Chief Judicial Magistrate Alipurduar arising out of Prosecution offence Report no. 21/JPW-15 of 2026-2027 dated 17.6.2026.

And

In the matter of : **Pradip Barman**

.... Petitioner

Mr. Satyajit Paul
Mr. Rounak Ghosh ...for the Petitioner

Mr. Avrojyoti Das, Ld. APP
Mr. Bijay Bikram Das
Ms. Rajashree Ghosh ...for the State

Learned counsel for the petitioner prayed for bail contending that he is in custody for about 111 days from 17.6.2026. He submits that final report has been submitted in this case on 18.8.2026. During investigation, the prosecution has not examined any independent witness and therefore, there is hardly any chance of conviction of the petitioner in trial.

Furthermore, the prosecution proposes to examine ten witnesses and the recording of evidence of the witnesses has not yet started and therefore, nobody knows when the trial will commence and how long it will continue and therefore, he may be released on bail on any terms and conditions.

Learned counsel for the State vehemently opposed the bail prayer contending that the petitioner has criminal antecedent, which he has not disclosed in his application for bail and only on that ground, his bail prayer is liable to be rejected.

He further submits that the examination of independent witness is not an indispensible requirement in this case and their non-support or absence is not necessarily fatal to the prosecution case. A conviction may be based in such cases on the testimony of official witnesses, provided such testimony is found to be reliable and trustworthy. In this context, he relied upon a judgment of the Apex Court in **Mehboob Shah Vs. State of Madhya Pradesh** reported in **(2026) SCC Online SC 1366.**

He further submits that the gist of the allegation against the petitioner is that the petitioner fenced his cucumber field with the help of electrified G.I wire and one elephant died due to electrocution. Therefore, if the petitioner is released on bail, there is serious chance of his absconsion. From the land revenue recording of the concerned lands as well as from the other materials available in the record, it clearly discloses *mens rea* of the petitioner in committing the alleged offence. Therefore, he prayed for rejection of bail prayer made by the petitioner.

Having heard learned counsel for the petitioner and the State and considering the gravity of the offence and

seriousness of the allegation and on being satisfied from the materials available on record that prima facie case has been established against the petitioner, the prayer for bail made by the petitioner is rejected.

However, the Trial court is requested to expedite the hearing of the case and to make his best endeavour to conclude the hearing of the case preferably within a period of six months from the next date of hearing.

Accordingly, CRM (M) 316 of 2026 is disposed of.

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

(Dr. Ajoy Kumar Mukherjee, J.)