S.L.13.
Ct. 05

01.10.2026
Bd.
Allowed.

In the High Court at Calcutta

Circuit Bench at Jalpaiguri

CRM (M) 339 of 2026

Narayan Paul

Vs.

State of West Bengal

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Malbazar Police Station case no. 95 of 2026 dated 14.03.2026 under Sections 329(3)/117(2)/75/351(3)/3(5) of the BNS Act, with adding section 109 of the BNS, 2023.

Mr. Sudip Guha
Ms. Sayanti Das
Ms. Ankita Nag ...for the petitioner

Mr. Janardan Periwal
Mr. Bapi Sarkar
Mr. Debabrata Rai ... for the State.

In this application the petitioner has prayed for bail on the ground that he is in custody for about 152 days and that out of 8 accused persons 6 are absconding and there is hardly any chance of early commencement of trial.

It appears that the petitioner had made a bail prayer before this Court being CRM (M) 235 of 2026 and this Court by an order dated 11.08.2026 rejected his bail prayer.

Learned counsel appearing on behalf of the state submits that the petitioner has criminal antecedents and charge-sheet has also been submitted in the said earlier proceeding being Malbazar P.S. Case No. 38 of 2026 dated

30th January, 2026 but the petitioner has concealed the same in his application.

In this context, he has relied upon paragraph 48 of the judgement of **Zeba Khan vs- State of U.P. and Ors.** reported in **2026 SCC Online SC 188.**

He also opposed the bail prayer on the ground that the petitioner is the principal accused, who caused grievous hurt in the skull of the injured. Since the petitioner has criminal antecedents and therefore, if he is released on bail there is every likelihood that he will commit similar type of offence in future. Considering the nature and gravity of the allegations and of seriousness of the offence, his bail prayer is liable to be rejected.

Having considered the submissions made on behalf of both the parties, and also on perusal of the materials collected during investigation, and also considering the fact, that petitioner has criminal antecedents and that such fact has also not been disclosed in the instant application and that after considering all aspects, this Court was pleased to reject his bail prayer only on 11.08.2026 and that no new considerable circumstance has arisen till then to grant bail in his favour, I find that he is not entitled to be released on bail at this stage. Therefore, prayer for bail is considered and rejected.

However, Trial court is directed to split the case record in respect of the present petitioner and other

available accused persons, if any, and to make his best endeavour to make the charge hearing preferably within a period of 45 days, considering the fact that the petitioner is in custody for a long period of time.

Accordingly, CRM (M) 339 of 2026 is disposed of.

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

(Dr. Ajoy Kumar Mukherjee, J.)