CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

19.11.2026
Ct No.5
Item No.65
DB/CM

CRM (M) 375 of 2026

In Re:- An application for Bail under Section 483 of the Bharatiya Ngarik Suraksha Sanhita, 2023 with **Malbazar** Police Station Case No. **200** of **2026** dated **19.05.2026** under Sections **85/103(1)/3(5) of the BNS**

In Re: Mahadeb Kumar Sarkar.

.....Petitioner

Mr. Sudip Guha, Adv.

...for the petitioner

Mr. Avrojyoti Das, Ld. A.P.P.
Mr. Bijay Bikram Das, Adv.
Ms. Rajyashree Ghosh, Adv.

...for the State.

Mr. Kalipada Das
Ms. Saheli Roy Dakua

... For the De-facto complainant

1. The Leaned Advocate representing the petitioner submits the charge sheet to have been submitted on 31st July, 2026 under Section 85/108/3(5) of BNS. It was further submitted that the petitioner is in custody for 183 days. The other six co-accused persons had been granted anticipatory bail by the Trial Court and prays for grant of bail on the ground innocent and false implication.
2. The Learned Advocate representing the State refers to page 30 of the case diary wherein the statement of the daughter of the deceased victim as well as the present petitioner have been recorded. The page no. 69 of the case diary had also been referred

to wherein the statement of one Manik Roy had been recorded under Section 183 of the BNS.

3. The Learned Advocate representing the de-facto complainant opposed to grant of bail.
4. The Learned Advocate representing the State left it to the discretion of the Court.
5. The narrative of the complaint, the materials on record including the statements recorded under Section 180 of the BNSS as well as the Section 183 of the BNSS reflected general and omnibus allegations. In dearth proximate instigation, in the context of the allegations to comprise the elements under Section 108/3(5) of the BNS, this Court is inclined to grant the prayer for bail in favour of the petitioner.
6. Accordingly, Petitioner, namely, **Mahadeb Kumar Sarkar** shall furnish bond of Rs. 20,000/- (Rupees Twenty Thousand Only) with two sureties of like amount each, one of whom must be local to the satisfaction of Learned Chief Judicial Magistrate, Jalpaiguri.
7. 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 month until further orders.
8. 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.

9. Accordingly, CRM (M) **375** 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.)