IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION

19.11.2026
Ct No.5
Item No.66
PA

CRM (M) 380 of 2026

In Re:- An application for Bail under Section 483 of the Bharatiya Ngarik Suraksha Sanhita, 2023 in connection with Kuchlibari P.S. Case No.61 of 2026 dated 10.06.2026 under Sections 103/351(2)/3(5) of BNS Act.

And

In Re: Nimai Singha

.....Petitioner

Mr. Debasish Mukhopadhyay, Adv.
Ms. Srishti Sarker, Adv.
Ms. Payel Chanda, Adv.

...for the petitioner

Mr. Avrojyoti Das, Ld. A.P.P.
Mr. Janardhan Periwal, Ld. A.P.P.
Mr. Atul Dowg, Adv.

...for the State.

1. The Learned Advocate representing the petitioner submitted the petitioner to have been falsely implicated on the ground of "last seen together" without any involvement in the alleged offence and had been in custody since 10.06.2026. The absence of eye witnesses shall be considered by the Court in granting the prayer for bail as the statements of the witnesses recorded under Section 180 of the BNSS and Section 183 of the BNSS had been based on "hearsay". Since the charge-sheet had already been filed on 05.08.2026, the petitioner may be enlarged on bail.
2. The Learned Advocate representing the State submitted the entire gammut of the instant case had been based on circumstantial

evidence. The petitioner was seen to accompany the victim to the house of one Sukumoni Oraon and in her absence, the victim (since deceased) and the present petitioner in inebriated state entered into a brawl and the petitioner out of previous grudge throttled the victim to death as per the observation in the post mortem report.

3. The Learned Advocate representing the State also referred to the confessional statements of the present petitioner being a part of the case diary and opposed the prayer for grant of bail.
4. The narrative of the complaint, the statements recorded under Section 180 BNSS, Section 183 of the BNSS, the post mortem report whereby it transpired that the present petitioner was seen to escort the victim at the relevant point of time, the severity of the alleged offence intensified. Though the charge-sheet had already been submitted, however, considering the gravity of the alleged offence, the prayer for bail is rejected.
5. The Learned Advocate representing the petitioner may advise the petitioner to renew the prayer for bail after the examination of the vulnerable witnesses.
6. The Learned Trial Court is to expeditiously proceed in framing the charges if not framed till date and proceed to record the evidence of the vulnerable witnesses without granting unnecessary adjournments to either of the parties.

(Ananya Bandyopadhyay, J.)