-CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

20.11.2026
Ct No. 5
Item No.39
c.m.

CRM (M) 383 of 2026

In Re:- An application for bail under Section 483 of the Bharatiya Ngarik Suraksha Sanhita, 2023 in connection with Bhaktinagar Police Station Case No. 727 of 2025 dated 23.07.2025 under Sections 331(4)/305/324(5)/326(g)/61(2) of B.N.S.

And

In Re: Adil Khan @ Aadil Khan

.....Petitioner

Mr. Arunava Paul, Adv.

...for the petitioner

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

...for the State.

1. The learned advocate representing the petitioner submitted the petitioner to have been arrested on the basis of the statement of the co-accused person. The charge-sheet had been submitted on 21st October, 2025. The accused is in custody for nearly one year two months. The charges have not been framed and the conclusion of trial being remote, he seeks for grant of bail.

2. The learned advocate representing the State submitted the petitioner to be a resident of Haryana with criminal antecedents which was not stated in the application as would be revealed from paragraph 9 of the instant application. However, the case diary at page 315 referred to the case No. 214 of 2025 in connection with P.S. Special Cell, New Delhi. The learned advocate representing the State relied on the decisions cited in 2025 Live Law SC 389(**Munnesh Vs. State of Uttar Pradesh**) and 2026 SCC online SC

188**(Zeba Khan Vs. State of Utter Pradesh & Ors**.) whereby it was incumbent upon the petitioner to have mentioned of any criminal case or antecedents pending against the same.

3. The learned advocate representing the petitioner referred to Page 7 and 8 of the instant application claiming that the reference of the aforesaid case instituted in Delhi had been mentioned. However, the Court is not convinced with his submission since it was the communication of the concerned police station to the Court of Chief Judicial Magistrate, Jalpaiguri citing the case details for adding Section 111 of BNS.

4. The learned advocate representing the State further submitted the principal accused to have been arrested on 07.09.2026 after a long period of absconsion which deterred the charges to be framed. The entire incident involved theft of Rs. 14,7700/- from ATM counter at Ashighar More E.M. Bypass. Since the petitioner is a resident of different State with criminal antecedent releasing the petitioner on bail will hinder the progress of trial with every chance of absconsion.

5. The Statement of the co-accused being the truck driver at page 56 of the case diary revealed the name of the petitioner and his involvement in the alleged offence. The sum of Rs. 48,550/- had been recovered from the possession of the present petitioner at a later date at a different place by the Delhi police. The implication of the petitioner on the basis of the statement of a co-accused as well as the recovery of the aforesaid amount to be a part of the stolen amount in connection with the instant police station case being an

uncertainty and considering the period of detention and the prayer for bail has been considered and allowed.

6. Accordingly, Petitioner, namely, Adil Khan @ Aadil Khan shall furnish bond of Rs. 50,000/- (Rupees Fifty Thousand Only) with two sureties of like amount each, one of whom must be local to the satisfaction of Learned Chief Judicial Magistrate, Jalpaiguri and on further condition the petitioner shall meet with the Officer-in-Charge of the concerned police station twice in a week or until further orders. The petitioner shall submit his address where he would be residing to the learned Trial Court along with his mobile number not to be changed without prior permission of the Trial Court.

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 not leave the jurisdiction of the learned Trial Court.

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 her bail automatically without reference to this Court.

9. Accordingly, CRM (M) 383 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.)