

1.
14-01-2026
(ct. no.04)
debajyoti
(rejected)

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
CRIMINAL MISCELLANEOUS JURISDICTION
Appellate Side

CRM (M) 411 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Maynaguri Police Station Case No.308 of 2025 dated 14-06-2025 under Sections 334(1)/303(2) of BNS, 2023, adding Sections 17(2)/319(2)/336(3)/340(2) and 111(4)/317(4) of BNS, 2023.

- A n d -

In the matter of : Md. Aslup Khan @ Aslup Khan

.... Petitioner.

Mr. Saikat Chatterjee, Adv.,
Ms. Purbasha Sarkar, Adv.,
Mr. Tathagata Banerjee, Adv.,
Mr. Karan Paswan, Adv.

... For the Petitioner.

Mr. Aditi Shankar Chakraborty, learned APP,
Mr. Chattu Roy, Adv.

... For the State.

1. The learned advocate appearing on behalf of the petitioner submits that his fundamental right has been infringed since the serial No.2C was not filled up and the forwarding report reveals that the petitioner was arrested on May 14, 2025, when the incident took place on 14.06.2025. He is in custody since June 15, 2025. Most of the charges are the Magistrate triable. The chargesheet has been submitted on September 20, 2025, but the trial has not yet been commenced. It is further submitted that he is having a permanent residence at the address given in the petition and there is no likelihood or chance of absconding and evading the due process of law.

2. The learned advocate relied upon the decision of **Mihir Rajesh Shah versus State of Maharashtra**, reported

in **2025 INSC 1288**, in order to substantiate that in case of violation of the constitutional mandate of informing the arrestee, the ground of arrest in all the offences, the arrest and the subsequent procedure would be rendered illegal and the person will be at liberty to set free.

3. The learned prosecution raises objection to the prayer for bail and submits that during investigation, sufficient evidence has been collected against the present accused person and it has been revealed that the petitioner is the gang member of the organized crime syndicate and the instant case is one of an organized crime. Other organized crimes in different State of India are also committed by the accused persons. That apart, the ground of arrest was duly informed on the date of itself and if the prayer is allowed, it would have a serious impact in the trial.

4. Heard the submissions of learned advocates for the parties. Perused the materials on record and the nature of allegation leveled against the present petitioner. The case pertains to breaking of 2 SBI ATM along with the machine vault and stealing of cash and cash boxes. Total amount involved is of Rs.25,88,200/- and Rs.28,83,200/- from two ATM. Furthermore, in course of investigation, it was found that the vehicle used for committing the crime is a stolen vehicle. Number of cases are found pending against the present petitioner. It is specifically found from the Case Diary that the matter relates to an organized crime syndicate.

5. Therefore, considering the seriousness and gravity of the offence and that all the formalities were complied by the investigating authorities, and lastly that the petitioner is a resident of Delhi, hence, granting of bail at this stage would have a serious impact in the trial. This Court is of the view that the point raised regarding irregularities can be considered by the trial Court in course of trial. Therefore,

this Court is not inclined to pass any order favouring the present petitioner.

6. The application for bail is, thus, **rejected**.

7. Let the Case Diary be returned.

8. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

9. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

[Chaitali Chatterjee (Das), J.]