IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

Present:

The Hon'ble Justice Jay Sengupta

CRR 812 of 2026
(via video conference)
Mohidul Islam
Vs
The State of West Bengal

For the petitioner : Mr. Tapas Kr. Ghosh
Mr. Tanmay Chowdhury
.....Advocates

For the de facto complainant : Mr. S. Mukherjee
Ms. Debjani Chakraborty
.....Advocates

For the State : Mr. Kallol Mondal, Ld. PP
Mr. L. Vishal Kumar
.....Advocates

Heard lastly on : 09.10.2026

Judgment on : 14.10.2026

Jay Sengupta, J:

1. This is an application under Section 528 of the BNSS challenging the order dated 15.12.2025 passed under Section 483(3) of the BNSS by the Learned Additional Sessions Judge, Rampurhat, Birbhum in

Criminal Case No. 286 of 2025, thereby cancelling the bail granted to the petitioner vide order dated 14.10.2025 by the Learned Vacation Judge, Rampurhat, Birbhum in CR Case No. 227 of 2025 arising out of GR Case No. 1771 of 2025 corresponding to the Mollarpur Police Station Case No. 205 of 2025 dated 19.07.2025 under Sections 126(2), 118(1), 118(2), 109(1), 103(1) and 61(2) of the BNSS read with Sections 3 and 4 of the Explosive Substances Act.

2. Learned senior counsel appearing on behalf of the petitioner submits as follows. After the police case was started on 19.07.2025 the petitioner was arrested in connection with instant case on 31.07.2025. In September, 2025 a charge sheet was submitted against the petitioner and nine others. On 19.10.2025, the petitioner was granted bail by the learned Vacation Judge, Rampurhat, Birbhum. The prosecution thereafter prayed of cancellation of bail granted to the petitioner. On 15.12.2025, the petitioner's bail was cancelled by the learned Additional Sessions Judge, Rampurhat, Birbhum. This is now under challenge. As was, inter alia, held by the Hon'ble Apex Court in Paramvir Singh Saini v. Baljit Singh & Ors., (2021) 1 SCC 18, CCTV cameras were required to be installed at different police stations. Certain directions were passed in this regard by the Hon'ble Supreme Court in the said judgement. Accordingly, CCTV footage ought to have been available for the exit point and the entry point of the concerned police station at the time when the petitioner had lodged a GD entry regarding going missing of his mobile phone. But, the same was not

made available. The petitioner's case is that on the date of the incident, the petitioner was not present at the place of occurrence and was at Domkal Police Station lodging a GD entry. Based on such alibi, the petitioner was granted bail by the Vacation Judge on 14.10.2025. However, this was erroneously disbelieved by the learned Sessions Court and the petitioner's bail was cancelled. It is further relevant that almost three weeks after the case was registered, the statements of witnesses were recorded, which implicated the petitioner. There is no special circumstance for which bail once granted to the petitioner ought to have been cancelled.

3. Learned Public Prosecutor representing the State relies on the case diary and strongly opposes the application for setting aside the order of cancellation of bail. He submits that this is a case of gruesome murder where there were a number of eye witnesses who had seen the present petitioner perpetrate the crime along with others. Reliance is placed on the statements of injured eye witnesses recorded by the police. It is alleged that the petitioner along with others threw bombs at the victims. Reliance is also placed on the post mortem report, the injury reports of the two other victims as well as the seizure list for three numbers of crude bombs and two numbers of socket bombs as shown by the petitioner and the other accused. An injured eye witnesses has also implicated the petitioner in his statements before the learned Magistrate. It is further submitted that the act of installing CCTVs with good storage facility at police stations is going on as per the directions.

However, the process has not been completed yet. In any event, the issue has been raised by the petitioner much later. Moreover, as per the enquiry conducted by the investigating agency, there are number of anomalies in respect of the claim that the petitioner had lodged a GD entry at the relevant time and date at a police station. First, it is not always necessary that the person himself should come to the police station to lodge a GD entry. Secondly, the plea of alibi seems to be a fraudulent one and has been manufactured, possibly with the help of others. It was claimed that Domkal Police Station GD entry No. 1126 dated 19.07.2025 was lodged on 19.05.2025 at 18.00 hours regarding the loss of the petitioner's mobile phone/sim card. However, the enquiry revealed that although the missing phone was claimed to have been lost at 18.00 hours at Bhatshala, the GD entry was lodged at 18.45 hours. The petitioner claimed loss of sim card no. 7369873322. But, as per the customer application form (CAF) and the SDR, the sim was not registered in the name of the petitioner, but in the name of one Alimul Haque. The analysis of CDR from 18.10.2022 to 24.09.2025 revealed that the sim was in regular use till 09.08.2024, after which it went completely inactive/unused. Strangely after remaining missing for over a year, the same was reactivated on 24.09.2025. It is quite illogical that the same could be lost on 19.07.2025 and reported missing within 45 minutes after remaining completely inactive on the date of the incident and only reactivated months later. Moreover, copy of the GD entry was not made available before the date on which the

Learned Vacation Judge decided the question of bail. The learned Judge did not even adjourn the matter for obtaining a proper enquiry report. Subsequently, on 29.08.2026 the police submitted a supplementary charge sheet being Mallarpur Police Station charge sheet no. 213 dated 29.08.2026.

4. First, it appears from the order passed by the learned Vacation Judge granting bail that it was claimed by the prosecution that the copy of the GD entry was not made available from beforehand by the petitioner. This was a good enough reason for the learned Vacation Judge to have adjourned the matter and called for an appropriate report regarding the issue of alibi. But, the same was not done.

5. It is quite incredulous and too much of a coincidence that a phone/sim card that was active only about a year ago would be reported as missing on the particular date on which the crime took place. Moreover, even the said sim card was not in the name of the petitioner. In such circumstances, it was quite right on the part of the learned Sessions Court to have doubted such version.

6. It is the duty of the State to fully comply with the directions of the Hon'ble Apex Court regarding installing of CCTV cameras at the earliest. However, if the plea of alibi is otherwise found to be prima facie untenable at this stage, the purported non-availability of such footage, taken up much later as an issue, may not be of much assistance.

7. The impugned order is even otherwise quite well-reasoned.

8. This is a special case where the prosecution had to challenge the grant of bail before the Sessions Judge on the ground of that the same was obtained by foisting a false plea of alibi.

9. The supervening circumstances are also quite grave, especially considering the manner in which the brutal murder was committed. The case diary reveals the existence of serious materials to implicate the present petitioner including statements of injured eye witnesses, even one recorded before a learned Magistrate as well as seizure lists, the injury reports and the post mortem report making out a case of gruesome murder.

10. Considering the above and the other incriminating materials available on record, I do not find any reason to interfere with the order passed by the learned Sessions Court, cancelling the bail earlier granted to the present petitioner.

11. Accordingly, the application being CRR 812 of 2026 is dismissed, however, without any order as to costs.

12. It is clarified that this Court has gone through certain questions of fact only for the purpose of deciding the revisional application. But, it shall be open to the petitioner to take up any point available to him including the plea of alibi before the Trial Court, which shall not be swayed by any observation made herein.

13. In fact, this order shall not preclude the petitioner from filing a subsequent application for bail.

14. Urgent certified copy of this order be supplied to the learned counsels for the parties upon compliance of usual formalities.

(Jay Sengupta, J.)