18. 14.10.2026.
Court
No.33. (Pritam)
(Rejected)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (M) 2215 of 2026

In Re: An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Egra Police Station Case No.624/2025 dated 14.08.2025 under Sections 126(2)/109/64(2)(i)/64(2)(k)/64(2)(l) of the BNS, 2023.

In the matter of: - **Debdatta Maity @ Shankar**

.....petitioner.

Mr. Sabyasachi Bhattacharya
Ms. Minal Palana

.....for the petitioner.

Mr. Subhabrata Chowdhury
Mr. Tirtheswar Das

...for the State.

1. The Learned Advocate representing the petitioner submitted the petitioner to have been arrested from his residence on 14.08.2025 and had been in custody for more than 400 days. The charge-sheet in the instant case had been submitted and the petitioner had been falsely implicated on the basis of circumstantial evidence as the statement of the complainant and the witnesses recorded under Section 183 of the BNSS, the seizure list, the medico legal examination report, injury report did not directly attribute the petitioner to have been actively involved in the alleged offence of physically violating a mentally and physically challenged woman further with an intention to murder her.

2. The Learned Advocate representing the petitioner referred to the deposition of the doctor being PW-13 whereby the same had opined the injuries were insufficient to cause death. Moreover, the nature of injuries signified to have been inflicted through a single incident. He further submitted that the vulnerable witnesses had been examined and the opinion of the forensic expert did not indicate the commission of rape through insertion. The interpreter had expressed due to mental retardness, the victim was unable to comprehend sign language. Considering the period of detention and the proximate nexus to have been involved in the alleged offence being negated through the materials on record, the petitioner had been entitled to a prayer for bail.
3. The Learned Advocate representing the State submitted the seizure list, statement of the witnesses under Section 180 BNSS, 183 BNSS and the injury report along with the contemporaneous documents connect the present petitioner to the incriminating act being present at the spot of incident where the victim was found injured, assaulted and unclothed.
4. Considering the materials on record as well as the contemporaneous documents and that the evidence of the interpreter to have not been recorded along with that of the further witnesses and the heinous nature of the alleged offence, the prayer for bail is rejected.
5. The petitioner may be advised to renew the prayer for bail after the deposition of the interpreter be recorded.

6. Accordingly, the application being CRM(M) No.2215 of 2026 is dismissed.

(Ananya Bandyopadhyay, J.)