15.10.2026

Sl. No. DL 4
Court No. 550
ALLOWED

Asraf, A.R.(Ct.)

In the High Court at Calcutta

Criminal Miscellaneous Jurisdiction

Case No.

CRM (M) 2294 of 2026

In Re : An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to Section 439 of the Code of Criminal Procedure, 1973 filed

in connection with

Burdwan Police Station case no.709 of 2026 dated 31.05.2026 under Sections 318(4), 109(1), 338, 336(3), 340(2), 351(1), 341(2) and 61(2) of the Bharatiya Nyaya Sanhita, 2023.

-AND-

In the matter of :

KHOKAN DAS

.....*Petitioner*

For the Petitioner :

Mr. Uday Sankar Chattopadhyay
Mr. Tanay Sen
Mr. Souradeep Dutta

...*Advocates*

For the State :

Mr. Anamitra Banerjee
Mr. S. K. Singh

...*Advocates*

1. Learned counsel for the petitioner submits that the petitioner is in custody for more than four months. He submits that there is no iota of evidence entangling the present petitioner in connection with the instant case. No incriminating material was recovered from the possession of the petitioner. As he is the erstwhile MLA belonging to a political party which is now not in power, he has been falsely implicated in this case by registering a belated FIR.

As the investigation is complete, there is no need for further detention of the present petitioner.

2. Learned counsel for the State vehemently opposes the prayer for bail of the petitioner and submits that there are sufficient incriminating materials against the petitioner and as such, the prayer for bail should be rejected. He submits that although the chargesheet is submitted, there is a scope of supplementary chargesheet to be submitted by the investigating officer in near future. He has further submitted that there are suspicious amount of Rs.29 lakhs in the petitioner's bank account, Rs.2.47 crore in the bank account of his wife and Rs.32 lakhs in the bank account of his son respectively lying. As the innocent people were duped by the present petitioner with the aid and assistance of other accused persons and he is the leader of all other accused persons, the prayer for bail should be turned down.

3. I have gone through the materials on record. It appears that the incriminating articles were recovered from several other accused persons, namely, Sraboni Dutta, Mandira Hazra, Swarup Dutta and Sourav Dutta, however, no incriminating material was seized from the possession of the present petitioner. All the other accused persons have been granted bail. Therefore, the persons from whom the incriminating documents were seized have been granted bail but the person from whom nothing has been seized cannot be denied bail, particularly when he is in custody for more

than four months and primary chargesheet has already been submitted.

4. Considering all aspects of the matter and the fact that the investigation is primarily completed, I am of the opinion that the petitioner be enlarged on bail.

5. Accordingly, the prayer for bail of the petitioner stands **allowed**.

6. As such, the petitioner shall furnish bond of Rs.50,000/- (Rupees Fifty Thousand only), with two local sureties of Rs.25,000/- (Rupees Twenty Five Thousand only) each, to the satisfaction of the learned Chief Judicial Magistrate, Purba Bardhaman subject to condition that the petitioner shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever and also on further condition that the petitioner shall be physically present on each and every date before the learned Trial Court in seisin of the case. The petitioner shall not leave the jurisdiction of Burdwan police station except for the purpose of attending Court without prior permission of the learned Trial Court. In addition, he shall meet the Inspector-in-Charge of the local jurisdictional police station twice in a week until further order of the learned Trial Court. He shall also submit his passport, if any, to the learned Trial Court.

7. In the event, the petitioner fails to comply with any of the conditions as mentioned hereinabove without justifiable cause, the learned Trial Court shall be at liberty to cancel

his bail in accordance with law without further reference to this Court.

8. With the above observations, the instant application for bail is disposed of.

9. Memorandum of evidence submitted by the learned advocate for the State be kept with the record.

10. Case diary be returned to the learned advocate appearing for the State.

11. All parties shall act on the basis of server copy of this order duly downloaded from the official website of this Court.

12. Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Apurba Sinha Ray, J.)