15.10.2026

Sl. No. DL 8
Court No. 550
ALLOWED

Asraf, A.R.(Ct.)

In the High Court at Calcutta

Criminal Miscellaneous Jurisdiction

Case No.

CRM (M) 2431 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

Bhimpur Police Station case no.241 of 2024 dated 05.09.2024 under Sections 118(2), 329(4), 109, 79 and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

-AND-

In the matter of :

BIDYUT SIKDAR

.....*Petitioner*

For the Petitioner :

Mr. Jaydeep Biswas
Mr. Amanul Islam
Mr. Sourav Mukherjee
Mr. Koushik Ghosh
Mr. Gourav Roy

...*Advocates*

For the State :

Mr. Somopriyo Chowdhury
Mr. Dipayan Dan

...*Advocates*

1. Learned counsel for the petitioner submits that it is a renewal of prayer for bail of the present petitioner. He submits that after submission of the chargesheet, charge has been framed and trial has begun. Out of 34 chargesheeted witnesses, 18 witnesses have already been examined by the prosecution. Out of the said 18 prosecution witnesses, the interested and vulnerable witnesses have turned hostile during their deposition. The

post mortem report shows that the death of the victim was due to neurogenic shock from intracranial haemorrhage resulting from trauma on head which is antemortem. Learned counsel for the petitioner has further pointed out that the other co-accused has been granted bail by a Co-ordinate Bench of this Court. There is no eye-witness who saw the petitioner with the victim immediately before her death. As the vital witnesses have turned hostile, there is no need for keeping the petitioner in custody.

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 submitted memo of evidence which is kept on record. He submits that as per the report, last witness will be examined by the prosecution very soon.

3. I have gone through the materials on record. It appears that the de facto complainant and other vital witnesses have turned hostile during their deposition before the Trial Court. PW 3 being the husband of the deceased victim has deposed that his wife died on account of fall from cot. In view of such evidence on record, there is no chance of further improvement of the prosecution case.

4. Considering all the materials on record, 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.10,000/- (Rupees Ten Thousand only), with two sureties of Rs.5,000/- (Rupees Five Thousand only) each, one of whom must be local to the satisfaction of the learned Chief Judicial Magistrate, Nadia 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 geographical limits of Nadia without prior permission of 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.)