

**S.T. 1 (10) 2023 [R- 321/23]**

Present : Sri Rajesh Chakraborty (JO Code-WB00764)  
Additional Sessions Judge, 1<sup>st</sup> Court, South 24 Pgs at Alipore

**Order No. 32 dated 30.01.2026**

Today is fixed for production of the accused persons and further evidence.

The case record is put up by petition along with a bail petition on behalf JC accused Arjun Das. Copy served.

The matter is taken up for hearing from the Ld. Advocate for the accused person and the Ld. Public Prosecutor.

This is an application for bail moved on behalf of the accused Arjun Das. The prayer has been advanced on the ground that the accused has been in prolonged judicial custody for a period exceeding two years and ten months and that the first four prosecution witnesses examined so far have not deposed any incriminating material against him. It has been contended that in the absence of any direct allegation emerging from the evidence already recorded, the continued detention of the accused would amount to an unwarranted curtailment of his personal liberty.

The learned Public Prosecutor has, however, raised strong objection to the prayer for bail. It has been submitted that the role of the present accused is not peripheral but active and deliberate, inasmuch as he was instrumental in hushing up material evidence and in the disposal and concealment of the dead body. According to the prosecution, such conduct is not only indicative of a guilty mind but also establishes that the present accused acted in concert with the co-accused, who continues to remain in custody, and therefore stands on the same footing so far as the gravity of the offence and the extent of criminal liability are concerned.

I have carefully considered the rival submissions and have perused the materials placed on record, including the case diary and the depositions of the witnesses examined till date. At this stage, the Court is not required to undertake a meticulous evaluation of the probative value of the evidence or to return any finding on the merits of the case. The consideration is confined to whether, having regard to the nature and gravity of the accusations, the role attributed to the accused, and the overall materials collected during investigation, the discretion to grant bail ought to be exercised.

The materials relied upon by the prosecution, taken at their face value, prima facie indicate that the present accused is alleged to have shared a common intention with the co-accused in relation to the occurrence and thereafter actively participated in the concealment of the offence by suppressing evidence and dealing with the dead body in a manner intended to screen the principal offender from legal consequences. Such allegations, if established, go to the root of the matter and demonstrate a degree of complicity that cannot be said to be remote or insignificant. The fact that some of the witnesses examined so far have not directly implicated the accused does not, by itself, dilute the cumulative effect of the materials gathered during investigation, which, at this stage, disclose a prima facie case against him.

The offence alleged is of a grave and serious nature, carrying severe penal consequences. The role attributed to the accused, as emerging from the case diary, places him on equal footing with the co-accused in terms of sharing the common intention and in attempting to thwart the course of justice. In such circumstances, the prolonged period of detention, though a relevant consideration, cannot be viewed in isolation so as to outweigh the seriousness of the allegations, the nature of the evidence collected, and the potential impact on the administration of justice if the accused is enlarged on bail at this stage.

Upon an overall assessment of the materials on record and the submissions advanced, this Court is of the considered view that the prosecution has been able to place sufficient prima facie materials to indicate the involvement of the present accused in the alleged offence in concert with the co-accused. The balance of factors, therefore, does not favour the exercise of discretion in granting bail.

Accordingly, the prayer for bail on behalf of the accused Arjun Das stands rejected.

To date (05-02-2026) for production of the accused persons and evidence.

Let a copy of this order be furnished to the learned counsels for the parties, if applied for.

Dictated and corrected by me

Additional Sessions Judge,  
1<sup>st</sup> Court, Alipore

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