

22.07.2026
Item No.21with
25
Court No.9
CHC
(Allowed)

Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side

C.R.M.(M) 183 of 2026

In Re:- An application for bail under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023; in connection with Malbazar
Police Station Case No.239 of 2024 dated 04.05.2024, under
Section 306 of the Indian Penal Code, 1860.
And

In the matter of : **Dulal Sarkar**
..... petitioner

With

C.R.M.(M) 199 of 2026

In Re:- An application for bail under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023; in connection with Malbazar
Police Station Case No.239 of 2024 dated 04.05.2024, under
Section 306/34 of the Indian Penal Code, 1860.
And

In the matter of : **Soma Sarkar & Anr.**
..... petitioners

Mr. Anirban Banerjee, Advocate
...for the petitioner in CRM(M) 183/2026

Mr. Sourav Kar, Advocate
...for the petitioners in CRM(M) 199/2026

Mr. Avrojoyti Das, Ld. A.P.P.
Mr. Raj Kumar Mitra, Advocate
Mrs. Madhushri Dutta, Advocate
...for the State in CRM(M) 183/2026

Mr. Avrojoyti Das, Ld. A.P.P.
Mr. Gobinda Ghosh, Advocate
Ms. Baisali Chakraborty, Advocate
...for the State in CRM(M) 199/2026

1. Two bail applications are taken up together as they emanate out of the same police case.
2. It is submitted by learned advocate for the petitioners that the petitioners have been in custody since March 30, 2026. Learned advocate for the petitioner submits that petitioners voluntarily surrendered before the jurisdictional Court and have been in custody. It is further submitted that the petitioners are alleged to have inflicted torture upon the victim for which the victim committed suicide. Learned advocate appearing for the petitioners submits that investigation of the case has concluded in a chargesheet against 10 accused persons. Except these petitioners, all other accused persons have been granted bail by the jurisdictional court.
3. Learned advocates for the State refers to various materials in the Case Diary including statement of the witnesses recorded under Section 164 of the Code of Criminal Procedure as well as that under Section 161 thereof.
4. Having heard the learned advocate for the parties and considering the materials in the Case Diary as well as the other materials placed before this Court it appears that investigation of the case has culminated into a

chargesheet under Section 306 of the Indian Penal Code against the petitioners and seven others. Except the petitioners, all other accused persons have been granted bail in connection with the case. As it transpires from the materials in the Case Diary, it has been alleged that due to torture inflicted by the petitioners, victim committed suicide. As to how far the petitioners are liable for instigating the victim to commit suicide shall be decided in the trial upon consideration of evidence to be adduced on behalf of the prosecution.

5. Consequently, prayer for bail of the petitioners are granted.
6. Accordingly, I direct that the petitioners shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Jalpaiguri, subject to condition that the petitioners shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.
7. In the event petitioners fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.
8. The applications for prayer for bail are allowed.

9. **CRM(M) 183 of 2026** and **CRM(M) 199 of 2026** are
disposed of.

(Md. Shabbar Rashidi, J.)