

10
09.09.2026
Ct. No. 10
T.Ojha

**CALCUTTA HIGH COURT CIRCUIT BENCH
AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (M)/229/2026

**UDAYAN GUHA
VS
THE STATE OF WEST BENGAL**

Mr. Amales Ray, Sr. Adv.
Mr. Nigam Mittal, Adv.
Ms. Anwesha Chakraborty, Adv.
.....for the petitioner

Mr. Jagriti Mishra, Ld. AAG
Mr. Avrojoyti Das, Adv.
Mr. Gobinda Saha, Adv.
..... for the State

1. This is an application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to Section 439 of the Criminal Procedure Code, 1973 praying for bail.
2. The petitioner has been indicted under Sections 336(12), 336(3), 340(2) and 316(5) of the Bharatiya Nyaya Sanhita, 2023 corresponding to G.R. Case No. 691 of 2024 arising out of Dinhata P.S. Case No. 661 of 2024 dated 24.12.2024.

3. The Learned Counsel for the petitioner vehemently submitted that the petitioner is in custody for 83 days and most of the allegations fall under bailable offences except Section 316(5) of B.N.S., 2023. Prolonged custodial detention of the present petitioner is not necessary since there is no concrete incriminating material against the present petitioner. *De-facto* complainant is the Executive Officer of Dinhata Municipality. The statements of the witnesses are only hearsay in nature which need not be considered. In nutshell, the Learned Counsel for the petitioner prays for bail.
4. Mr. Mishra, the Learned AAG produced C.D. and vehemently opposed the bail application on the ground that there are serious allegations against the present petitioner and the investigation is still pending.
5. I have perused the C.D. and heard rival submissions.
6. It is true that the petitioner is in custody for 83 days and the petitioner is a senior citizen. Still the allegations are not only serious but are related to holding of public office. At this stage, innocence cannot be presumed since investigation is pending.

7. Considering C.D. and other materials on record, I am not inclined to allow the bail application and the same is rejected.
8. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)