

25.08.2026

Item No.252

Ct.No.35

dc.

Rejected

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

C.R.M. (M) 1363 of 2026

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Basanti Police Station Case No. 567 of 2023 dated 02.07.2023 under Sections 302/120B of the Indian Penal Code.

And

In Re : **Abdul Wahab Khan @ Abdul Ohab Khan**

... Petitioner.

Mr. Mayukh Mukherjee,
Mr. Joy Chakraborty

... For the Petitioner.

Mr. Krishnendu Bhattacharya, APP,
Mr. Shataroop Purkayastha

... For the State.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for 2 years 11 months and till date, only eight witnesses, out of 54 witnesses, have been examined.

Learned advocate appearing for the State, on the other hand, opposes the prayer for bail and submits that nine witnesses have been examined and prosecution has reduced the number of witnesses to 38. Learned advocate submits that arms and motorcycle were recovered from the present petitioner; further, post occurrence witnesses have confirmed the presence of the petitioner. There are two statements under Section 183 of the BNSS implicating the petitioner and additionally, petitioner has two criminal antecedents.

Having considered the overall circumstances of the case, the complicity of the present petitioner as well as the

antecedent, I am of the opinion that the gravity of the present offence do not call for invoking the powers under Article 21 of the Constitution of India. As such, the prayer for bail of the petitioner is **rejected**.

Memo of Evidence submitted by the learned advocate appearing for the State be kept with the record.

The application for bail, being CRM (M) 1363 of 2026, is, thus, dismissed.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)