

30. 12.03.2025
Court
No.29 (Pritam)
(Rejected)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 257 of 2025

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Jiaganj** Police Station Case No.**26/2023** dated **01.02.2023** under Sections **302/201** the IPC, 1860.

And

In the matter of: - **Sribash Halder.**

.....petitioner.

Mr. Tapodip Gupta,
Mr. Suman Bhanja

...for the petitioner.

Mr. Partha Pratim Das,
Mr. Arup Sarkar

....for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he has been falsely implicated. He had no intention of murdering anybody far less his own mother. The entire incident happened in the heat of the moment. He is in custody for more than 2 (two) years and 1 (one) month. He prays for bail.
2. Learned State counsel tells us that 7 out of 16 charge-sheet named witnesses have already been examined.
3. We are surprised to see that the key witness, i.e., the granddaughter of the victim, who is the eye-witness, is yet to be examined. We do not understand following what logic the

prosecution examines its best witnesses much later in the stage of the trial as we have noted in several cases.

4. We direct the learned trial court to ensure that Arpita Halder, granddaughter of the victim is positively examined and cross-examined during the next schedule, which should be fixed on an early date and definitely this month. Thereafter, the trial should be carried to its logical conclusion as expeditiously as possible without granting any unnecessary adjournments to either of the parties and if necessary, frequent schedules may be fixed for expeditious hearing of the matter.
5. We have seen the statement of the said Arpita Halder recorded under Section 164 Cr.P.C. She squarely implicates the petitioner. She is also a vulnerable witness. Therefore, we are not inclined to allow the petitioner's prayer for bail, at this stage since a vulnerable witness is yet to be examined.
6. The prayer for bail is, thus, **rejected**.
7. CRM (DB) 257 of 2025 is disposed of.
8. Parties as well as the learned Registrar General of this Court shall communicate this order to the learned trial court.

(Arijit Banerjee, J.)

(Om Narayan Rai, J.)