

03.04.2025

Item No.49

Ct.No.34

rc.

Reject

C.R.M. (DB) 596 of 2025

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kalna Police Station Case No. 966 of 2021 dated 25.12.2021 under Sections 302/201 of the Indian Penal Code.

And

In Re : **Md. Rahim**

... Petitioner

Mrs. Subhoshree Patel

Mr. Saikat Mondal

Ms. Debdattya Karmakar

... for the Petitioner

Mrs. Sreyashee Biswas

Mr. Mainak Gupta

... For the State.

Status report submitted by the State is taken on record.

The petitioner is in custody for more than three years.

Learned counsel for the petitioner submits that there is no direct evidence connecting the petitioner to the alleged offence. His further detention is not required. Also, only 11 witnesses out of 38 witnesses have been examined so far.

Learned counsel for the State produces the Case Diary and opposes the prayer. Learned counsel submits that the petitioner and the co-accused stand on the same footing and jointly conspired to commit double murder and hijack the vehicle. Bail prayer of the co-accused has been turned down by this Court earlier.

I have considered the material on record.

This is a case of double murder and hijacking of vehicle. Material on record prima facie suggests that the petitioner, in connivance with the other accused, conspired to commit the offence alleged.

In view of the extent of complicity of the petitioner in the alleged offence, this Court is of the view that this is not a fit case where the petitioner can be released on bail at this stage.

Accordingly, the prayer for bail of the petitioner is rejected.

However, considering the period of detention of the petitioner, learned trial Court is directed to take the proceedings to its logical conclusion as expeditiously as possible, without granting any unnecessary adjournment to either party, in accordance with law.

The application is disposed of.

Case Diary is returned.

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

(Suvra Ghosh, J.)