

22.07.2025

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C.R.M. (DB) 881 of 2025

In Re : An Application under Section 439 of the Code of Criminal Procedure/under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Domkal Police Station Case No. 405/2023 dated 16.06.2023 under Sections 341/325/326/307/302/34 of the Indian Penal Code.

And

In Re : Nur Yasuf Sk @ Alif Sk @ Nur Yosuf Sk @ Alip Sk

Mr. Milon Mukherjee
Mr. Tapodip Gupta

... For the Petitioner.

Mr. Rana Mukherjee
Ms. Rita Datta

... For the State

Jisan Iqbal Hossain
Ms. Chandrima Debnath

... For the Defacto Complainant

Learned counsel for the petitioner submits that the petitioner is in custody for more than 2 years. Charges are yet to be framed. The petitioner prays for bail.

Opposing the prayer, learned counsel for the State submits that the petitioner is the principal assailant and the co-accused are still absconding for which learned trial Court is unable to frame charges.

I have considered the material on record.

The petitioner appears to be the principal accused who struck the fatal blow on the victim resulting in his death. It is a fact that he is in custody for more than 2 years. However, offences, if proved, shall attract mandatory life imprisonment.

Considering the gravity of the offence and prima facie involvement of the petitioner therein, the prayer for bail is rejected at this stage.

Learned trial Court shall consider splitting up of the trial and proceed with the same, in accordance with law.

The application for bail is disposed of.

Case diary be 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.)