

22.04.2025

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C.R.M. (DB) 1061 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 Lake Town Police Station Case No. 236 of 2019 dated 21.12.2019 under Sections 325/307/34 of the Indian Penal Code read with Sections 25/27 of the Arms Act and Sections 3/4 of Explosive Substances Act.

And

In Re : Chandan Shetty @ Minaj Shetty @ Minja & Ors.
... Petitioners.

Mr. Souvik Mitter
Mr. Angshuman Chakraborty
Mr. S. S. Saha

... For the Petitioners

Mr. Debasish Roy
Mr. S. S. Imam
Md. Yaser A Ismail

... For the State.

Mr. Sabir Ahmed

... For the *De Facto* Complainant

Report submitted by the State is taken on record.

The petitioners are in custody for more than 5 years.

Learned counsel for the petitioners takes this Court to an order passed by the Hon'ble Supreme Court on 10th September, 2024 in Special Leave to Appeal (Criminal) 12123 of 2024 wherein the Hon'ble Supreme Court has observed that if trial could not be concluded within six months from the date of receipt of copy of the order and reason therefor was not attributable to the petitioners they would have the liberty of renewing their prayer for bail before the trial Court. Learned counsel submits that the petitioners have undergone half of the minimum sentence and are entitled to bail under Section 436A of the Code of Criminal Procedure.

Learned counsels for the State and *defacto* complainant oppose the prayer.

Learned counsel for the State submits that P.W. 34 who is the investigating officer and the last witness to be examined is being examined and the next date for evidence has been fixed on 25th April, 2025. Trial is at its fag end and the prosecution undertakes to conclude examination of witnesses within a month subject to cooperation by the defence counsel.

In view of the fact that trial is at its fag end and is likely to be concluded within a short span of time, this Court is not inclined to release the petitioners on bail at this stage, more so, since bail prayer of the petitioners has been turned down by this Court earlier considering the merits of the case.

The application for bail is disposed of.

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

(Suvra Ghosh, J.)