

30.04.2025

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jb.  
jdt.

**C.R.M. (R) 13 of 2025**

In Re : An Application under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Basirhat Police Station Case No. 458/2023 dated 17.07.2023 under Sections 341/324/326/307/325/302/201/506/34 of the Indian Penal Code and under Sections 25/27 of the Arms Act.

And

In Re : Rakesh Das

Mr. Sourav Chatterjee  
Mr. Shatadru Lahiri

... For the Petitioner.

Mr. Soumik Ganguly  
Ms. Ayana De

... For the State

The petitioner is in custody for about 1 year 9 months and renews his prayer for bail.

Learned counsel for the petitioner submits that he has not been identified by the injured witness and recovery of fire arms has been made from a public place accessible to all. Learned counsel submits that despite rejection of the prayer for bail before one year, there has been no further progress in trial.

Learned counsel for the State opposes the prayer.

It appears that the petitioner has been identified by eye witness as the person who fired on the deceased. Recovery has been made pursuant to the leading statement of the petitioner. Learned counsel for the State submits that trial has not been able to proceed due to abscondence of one of the co-accused.

Considering the material on record suggesting *prima facie* involvement of the petitioner in the alleged offence, prayer for bail is rejected at this stage.

The application is disposed of.

Learned trial Court is directed to take the proceeding to its logical conclusion as expeditiously as possible without granting any unnecessary adjournment to either of the parties.

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

**(Suvra Ghosh, J.)**