

07.05.2025

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jb.
jdt.

C.R.M. (M) 263 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 Katwa Police Station Case No. 359 of 2016 dated 01.10.2016 under Sections 302/34 of the Indian Penal Code and under Sections 25/27 of the Arms Act.

And

In Re : Anarul Sk.

Mr. Uday Sankar Chattopadhyay
Mr. Suman Sankar Chatterjee
Ms. Trisha Rakshit
Ms. Rajashree Tah
Ms. Aishwarya Datta
Ms. Bidisha Chakraborty
Ms. Sadia Parveen

... For the Petitioner.

Ms. Zareen N.Khan
Mr. Rahul Ganguly

... For the State.

Heard learned counsels for the parties.

The petitioner is in custody for more than a year and prays for bail. Learned counsel for the petitioner submits that the petitioner's father was murdered for which a written complaint was lodged by a member of his family in 2015. As a result the house of the petitioner was ransacked and the petitioner had to flee from the area and take shelter under the jurisdiction of Krishnanagar police station, Nadia. In the present case, the petitioner was not arrested and other accused were acquitted. The petitioner was subsequently arrested and is in custody since then. The State and the *defacto* complainant have preferred appeal against the said acquittal which is pending before the Hon'ble Division Bench of this Court. Learned counsel submits that since the entire case record is lying before this Court, there is no

possibility of trial being concluded in near future. He prays for bail on that score.

Learned counsel for the State opposes the prayer.

Considering the gravity of the offence as well as the fact that the petitioner has absconded for about 10 years, prayer for bail is rejected at this stage.

However, considering the submission made by the petitioner, learned counsel for the State is requested to take necessary steps so that trial of the case qua the petitioner can proceed before the learned trial Court.

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.)