

18.07.2025

Item No.21

Ct.No.34

rc.

Reject

C.R.M. (M) 738 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 Adra Police Station Case No. 51 of 2023 dated 23.06.2023.

And

In Re : **Arzoo Malick @ Arju Malik @ Arzoo Mallik @ Arzu Mallick**

... Petitioner

Mr. Vishal Kumar

Mr. Soumosree Chatterjee

Mr. Prasun Mukherjee

... for the Petitioner

Ms. Saibal Bapuli

Mr. Soumya Basu Roy Chowdhury

... for the State

Mr. Soumyajit Das Mahapatra ..for the defacto complainant

Learned counsel for the petitioner submits that the petitioner is in custody for more than two years upon being falsely implicated. He has no nexus with the alleged offence and may be released on bail.

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

I have considered the material on record. One of the fire arms allegedly used for the murder has been recovered from the petitioner. The firm arm has matched with the bullet recovered from the body of the deceased. Whether such fire arm was only provided by the petitioner or used by him for the alleged murder shall be assessed at the appropriate stage of trial. Bail prayer of the co-accused

similarly circumstanced with the petitioner has been turned down by this Court on April 10, 2025.

Learned counsel for the State submits that ten witnesses have already been examined and the prosecution proposes to examine twelve more witnesses out of whom three witnesses are vulnerable. There are criminal antecedents to the credit of the petitioner. In the event the petitioner is released on bail at this stage, likelihood of the petitioner intimidating witnesses or winning them over cannot be ruled out. Learned counsel submits that examination of witnesses shall be completed within one year from the next date fixed for evidence before the learned trial Court subject to cooperation by the accused and systemic reasons.

In view of the above, prayer for bail is rejected at this stage.

Learned trial Court is directed to expedite the trial without granting any unnecessary adjournment to either of the parties.

The bail application is disposed of.

Case Diary is returned.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

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

(Suvra Ghosh, J.)

