

September 16, 2025

25 ARDR
(Rejected)

CRM (M) 1041 of 2025

In Re : An Application for bail under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 filed in connection with **Domkal
Police Station** Case No. **83** of **2021** dated **28/2/2021** under
Sections **363/365/302/201/34** of the Indian Penal Code.

And

In Re : Kalu Mondal @ Bhabesh Chandra Mandal @ Bhabesh
Chandra Mondal

... petitioner.

Sr. Adv. Sourav Chatterjee,
Adv. Somnath Adhikary,

... for the petitioner.

Adv. Debasis Bandyopadhyay,

...for the de facto complainant.

Adv. Rituparna Ghosh,
Adv. Srilekha Chattopadhyay,

... for the State.

Supplementary affidavit filed on behalf of the petitioner is
taken on record.

The petitioner is in custody for about four years and renews
his prayer for bail solely on the anvil of Article 21 of the Constitution
of India.

Learned counsel for the petitioner submits that despite
specific directions of this Court to conclude the trial at an early
date, trial is still continuing and four more witnesses are yet to be
examined.

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

Bail prayer of the petitioner was turned down considering the
material on record on 14th February, 2025. It appears that the
prosecution proposes to examine four more witnesses and schedule
for witness action has been fixed on 4th November, 2025 and 6th
November, 2025 respectively. This Court is informed that the

defacto complainant has filed a petition before the learned trial Court seeking re-examination of witness Neha Khatoon. The petition is still pending.

On merits the petitioner does not deserve a favourable order at this stage.

Accordingly, bail prayer of the petitioner is rejected at this stage.

Considering the period of incarceration of the petitioner, it is expected that the learned trial Court shall conclude the witness action on the dates fixed by him. The learned trial Court is also directed to consider and dispose of the application filed by the defacto complainant at the earliest without granting any unnecessary adjournment to either of the parties.

In the event the witness action is not concluded within the date fixed by the learned trial Court, the petitioner shall be at liberty to renew his prayer for bail.

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.)