

01.12.2025

Court No.35.

M/L. 86.

Kausik

(Rejected)

CRM (M) 1424 of 2025

In Re: An Application for Bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023/ Section 439 of the Code of
Criminal Procedure, 1973 in connection with Kasba Police
Station Case No. 474 of 2024 dated 15.11.2024 under Sections
109/3(5)/61(2)/338/111(2)(b)/111(3) of BNS, 2023 read with
sections 25(2)/25(1b)/27/35 of the Arms Act, 1959;

And

In the matter of : Md. Afroz Khan @ Gulzar

.....Petitioner.

Mr. Fransis Samson Cornea

Mr. Sunny Nandy

Ms. Sneha Singh

Mr. Rajat Singh

.....for the Petitioner.

Mr. Ayan Bhattacharya, Sr. Adv.

Mr. Pinak Kumar Mitra

Mr. Faizan Md. Zafar

Mr. Kaustav Talukdar

....for the defacto complainant.

Mr. Debasish Roy, Ld. PP

Mr. Arijit Ganguly

Ms. Srilekha Chattopadhyay

.....for the State.

Supplementary affidavit filed by the petitioner be kept
with the record.

Learned advocate appearing for the petitioner submits
that the petitioner is innocent of the charges and has been
falsely implicated in connection with the instant case. There are
no materials appearing against the petitioner and the petitioner
is languishing for more than a year.

Prosecution, in order to prove its case, has relied upon 44 witnesses and there is hardly any scope for the trial concluding in the near future.

Learned advocate for the defacto complainant opposes the prayer for bail and submits that the defacto complainant at point blank range was attempted to be fired when the firearm failed to work.

Learned public prosecutor appearing on behalf of the State has produced the case diary for establishing the complicity of the present petitioner. Digital materials have been recovered, particularly the voice recording along with the statement under Section 183 of the BNSS.

I have taken into account the materials appearing against the present petitioner and on an assessment of the materials which have been collected, I am not inclined to release the petitioner on bail.

The prayer for bail of the petitioner in CRM (M) 1424 of 2025 is dismissed.

Learned advocate for the petitioner complains that number of documents have not been received by them which are being relied upon by the prosecution in case any specific documents have not been handed over to the petitioner which is relied upon by the State. If the learned Trial Court is satisfied that the same has not been submitted, appropriate directions be passed by the learned Trial Court.

Case diary be returned to the learned advocate appearing for the State.

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

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

(Tirthankar Ghosh, J.)