

21
18.09.2025
Ct.No.34
b.das
Rejected

C.R.M. (M) 1461 of 2025

In Re : An application for bail under Section 483 of BNSS, 2023 filed in connection with Usthi Police Station Case No.434 of 2018 dated 17.10.2018 under Section 302/34 of the Indian Penal Code.

And

In Re : **Atiar Rahaman Laskar & Anr.** ... Petitioners.

Mr. Bibaswan Bhattacharya ... for the petitioners.

Mr. Suman De
Mr. Ashok Das ... for the State.

Mr. U. S. Chattopadhyay
Ms. Trisha Rakshit
Ms. Rajashree Tah
Ms. Sadia Parveen
Ms. A. Dutta ...for the de facto complainant.

Heard learned counsels for the parties.

The petitioners are in custody for about 3 years and pray for bail.

Learned counsel for the petitioners submits that despite direction passed by this Court to expedite the trial and conclude the same at an early date preferably within two years from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties, only 4 out of 9 witnesses have been examined so far. Examination of the 5th witness is in progress.

Learned counsel further submits that the PW 5 who is being examined at present was initially shown as a hearsay witness who was not present at the spot in his statement recorded under Section 161 of the Code of Criminal Procedure. Subsequently his statement was recorded under

Section 164 of the Code wherein he was posed as an eye witness to the incident.

Learned counsels for the State and the de facto complainant oppose the prayer.

I have considered the material on record. The petitioners have been named before the doctor at the hospital on the date of incident. The offending weapons have been recovered pursuant to their leading statement. Witnesses have implicated the petitioners in the alleged offence. They are in custody for about 3 years. Offence, if proved, shall attract mandatory life imprisonment.

Considering the material on record and prima facie involvement of the petitioners in the alleged offence, 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, in the light of the direction given by this Court in the order passed on 24th July, 2023.

The application for bail is thus disposed of.

Case diary be 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.)