

M/L 114
03.12.2025
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C.R.M. (M) 1597 of 2025

In Re: An application for Bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Ithar Police Station Case No.656/2024 dated 05.11.2024 under Sections 329(3)/118(1)/118(2)/109/3(5) of BNS and adding Section 103(1) of BNS;

Moffijuddin Ahamed
Versus
The State of West Bengal

Mr. Jisan Iqubal Hossain.
...for the petitioner.

Mr. Avishek Sinha
Ms. Jonaki Saha.
...for the State.

Mr. Koushik Choudhury.
...for the de facto complainant.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for more than 1 year and there is no scope of the trial progressing as the court is lying vacant. Petitioner submits that other accused persons have been released on bail. As such, the petitioner may be extended the same privilege.

Learned advocate for the de facto complainant opposes the prayer for bail and submits that the petitioner was the principal assailant and on his fatal blow the deceased met his end.

Learned advocate for the State submits that there were two persons who assaulted the deceased. Petitioner happens to be one of the accused who struck the fatal blow. The other accused who have been released on bail are on completely different footing.

Having considered that charges have already been framed and 20 charge-sheeted witnesses are to be examined, at this stage, without examination of the injured eyewitnesses, I am not inclined to release the petitioner on bail.

Accordingly, CRM(M)1597 of 2025 is dismissed.

Petitioner would renew his prayer for bail at the appropriate stage.

All parties shall act on the server copy of this order duly 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 of all requisite formalities.

(Tirthankar Ghosh, J.)