

18.11.2025

Court No.35.

D/L. 44.

Kausik

(Rejected)

CRM (M) 1690 of 2025

In Re: An Application for bail under section 439 of the Code of Criminal Procedure 1973/Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Pursurah Police Station Case No. 80 of 2021 dated 13.06.2021 under Sections 341/326/307/302/506/34 of the Indian Penal Code, 1860.

And

In the matter of : Sekh @ Sk. Samirul & Ors.

.....Petitioners.

Mr. Uday Sankar Chattopadhyay
Ms. Bidisha Chakraborty
Ms. Aishwarya Datta
Ms. Sadia Parveen

....for the Petitioners.

Ms. Afreen Begum
Mr. Dip Dutta

....for the Defacto-Complainant.

Mr. Sandip Chakraborty
Mr. Rahul Ganguly

....for the State.

Learned advocate appearing for the petitioner submits that the petitioner No. 1 is in custody for 223 days and petitioner no. 2 and petitioner no. 3 are in custody for 245 days.

Learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated in connection with the instant case and inspite of the petitioners participating in other court proceedings unnecessarily they were shown as absconders and the police authorities also did not apprehend

them. Learned advocate submits that the petitioners are astonished by the fact that they have been shown as absconders for a considerable period of time.

Learned advocate for the State opposes the prayer for bail and submits that similarly placed accused persons if they have been released on bail, the same is because of the present petitioners who were absconding and which enured benefit under Article 21 of the Constitution of India to the said accused persons.

Learned advocate for the defacto-complainant is present and submits that even during deposition before the learned Trial Court the name of the present petitioners have surfaced.

Be that as it may, I have taken into account the period of detention of the petitioners and the materials which are appearing. Having considered the same, at this stage, I am of the opinion that this is not a fit case for releasing the petitioners on bail.

Accordingly, the prayers advanced in CRM (M) 1690 of 2025 is rejected.

However, the prosecution is directed to examine at least 10 more witnesses within a period of 6 months from the next date so fixed by the learned Trial Court.

Petitioners would be at liberty to renew their prayer for bail after the aforesaid period is over.

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.)