

03.11.2025

Item No.25

Ct.No.35

dc.

Rejected

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

C.R.M. (M) 1802 of 2025

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure, 1973 read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Malipanchghara Police Station Case No. 370 of 2012 dated 11.10.2012 under Sections 302/34/120B of the Indian Penal Code, 1860 read with Sections 25/27 of the Arms Act, 1959.

And

In Re : **Kasim Chowdhury @ Kashim Chowdhuri @ Md. Kasim**
... Petitioner.

Mr. Pawan Kumar Gupta,
Ms. Sofia Nesar,
Mr. Santanu Sett

... For the Petitioner.

Mr. Bibaswan Bhattacharya,
Ms. Eshita Dutta

... For the State.

Petitioner has been implicated in connection with Malipanchghara Police Station Case No. 370 of 2012. *Prima facie*, it reflects that the petitioner was absconding for a period of about 12 years. Learned advocate appearing for the petitioner submits that only one witness has been examined since the petitioner was arrested.

Learned advocate appearing for the State opposes the prayer for bail and submits that at the stage of Section 313 of the Code of Criminal Procedure when examination of the other accused persons who were facing trial which was going on, this petitioner surrendered. However, another accused person has absconded. Consequently, the trial of the case has been stalled.

Learned advocate appearing for the petitioner tries to impress upon this Court that the deceased was a notorious criminal.

Be that as it may, having considered the period for which the petitioner was absconding, I am not inclined to release the petitioner on bail at this stage. As such, the prayer for bail of the petitioner is **rejected**.

The Deputy Commissioner of Police in-charge of Malipanchghara Police Station would take steps for producing the witnesses so summoned by the learned Trial Court on the schedule dates.

All efforts be taken to recall the necessary witnesses preferably within a period of six months so that the stage of Section 313 of the Code of Criminal Procedure of the present petitioner can be attained within a period of six months from the date of communication of this order.

The application for bail, being CRM (M) 1802 of 2025, is, thus, disposed of.

All concerned 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 with all requisite formalities.

(Tirthankar Ghosh, J.)