

16.10.2025
Court No.16
Item No.08
(Rejected)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (M) 1815 of 2025

Ab

In Re:- An application for bail under Section 439 of the Code of Code of Criminal Procedure, 1973 read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Nakashipara Police Station Case No. 257 of 2021 dated 06.05.2021 (G.R. Case No. 1240 of 2021) under Sections 302/120(B)/34 of the Indian Penal Code;

And

In the matter of :**Arnab Sarkar @ Guddu.**

...Petitioner.

Mr. Debabrata Roy,
Ms. Karabi Roy.

...For the Petitioner.

Mr. Saiban Bapuli, Ld. APP,
Ms. Puspita Saha.

...For the State.

1. Heard the submission of both the learned Advocates.
2. The contention raised before this Court on behalf of the learned Advocate representing the petitioner is that the petitioner is in custody since 7th June 2021 and on completion of the investigation, the charge-sheet has been submitted and the trial has commenced and out of 28 charge-sheeted witnesses only 9 charge-sheeted witnesses have been examined.
3. The next schedule has been given by the learned trial Court but most of the cases because of the failure on the part of the prosecution to produce the witnesses, the matter has been delayed and till such time only 3 witnesses have been examined as of now.
4. On the other hand, the prosecution raises objection and submits that the next schedule is fixed for taking evidence of CSW 10 and 11 so the trial is being commenced and at this stage, granting of bail would have an adverse effect in the trial.
5. There is further delay in disposal of the case.

6. Heard the submissions of the learned Advocate and on perusal of the entire materials on record as well as the case diary, the prayer so far as the petitioner is concerned was turned down on repeated occasion not only in the High Court but also in the Supreme Court. However, liberty is granted to the petitioner to renew his prayer for bail on the ground of delay if the delay is not attributable to the petitioner or co-accused persons. Thereafter, the prayer was again made before the Court on 17th March 2025 wherein it was observed by the Division Bench that the delay was due to the absconsion of co-accused persons including the petitioner's father and, accordingly, the prayer was turned down.
7. Perused the judgments relied upon by the learned Advocate for the petitioner in (2024) 7 SCR 992 (Javed Gulam Nabi Shaikh vs. State of Maharashtra and Another) and (2024) 7 SCR 1054 (Sheikh Javed Iqbal @ Ashfaq Ansari @ Javed Ansari vs. State of Uttar Pradesh) in this regard, however in view of the seriousness of the offence even though there is a delay in proceeding with the trial and considering the gravity of the offence the prayer of the petitioner cannot be considered.
8. The other two co-accused are on bail, but the case of the present petitioner is not on the same footing that of the other two accused persons.
9. Considering all aspects involved in the matter and the trial has been proceeded, this Court is not inclined to allow the prayer in favour of the petitioner at this stage.
10. The prayer for bail of the petitioner is, thus, rejected.

(Chaitali Chatterjee (Das), J.)