

Vacation
Bench
DL.21
16-10-2025
Ct. No.16
Saikat
(Allowed)

CRM(M)/1847/2025

**AMIR HOSSAIN PAIK & ANR.
VS.
THE STATE OF WEST BENGAL**

In Re: Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita filed in connection with Raidighi P.S. Case No.339/2022 dated 03.06.2022 under Sections 302/201/120B/34 of the IPC.

Mr. Soubhik Mitter, Adv.
Ms. Rajnandini Das, Adv.
Mr. Karan Bapuli, Adv.

...For the Petitioners

Mr. P.K. Datta, Adv.
Mr. Santanu Deb Roy, Adv.

...For the State

1. It is the case of the petitioners that they are in custody for 3 years 3 months and 13 days, they have been falsely implicated as they were not FIR named accused persons, case depends in the circumstantial evidence and nothing was recovered excepting a *gamacha* from the present petitioners. It is further submitted that report has not been sent before the FSL. That apart, since January, 2023, adjournment prayed for on many occasions by the prosecution on account of absence of witnesses. Out of 29 charge-sheeted witnesses, only 17 witnesses have been adduced evidence as of now.
2. Learned advocate for the Prosecution raises objection and also draws the attention to the statement made by the witnesses

which *prima facie* appears the involvement of the accused persons in the instant case.

3. Heard the submission of the learned advocates appearing on behalf of the parties. Perused the materials on record and the case diary as well as the statement recorded by the various witnesses under section 161 Cr.P.C. The post-mortem report primarily transpires that the cause of death due to strangulation by a ligature. That apart, it goes without saying since January, 2023, to till date the schedule dates fixed for taking evidence by the prosecution witnesses could not be proceeded on account of non-availability of the witnesses resulting the delay in a number of prosecution witnesses are still remain to be examined and this Court does not find any remote possibility of early disposal of the trial.
4. Therefore, in view of the nature of allegation levelled and in absence of any direct role of the petitioners in the instant case, this Court is inclined to enlarge the petitioner on bail.
5. Accordingly, the same stands allowed.
6. Accordingly, the petitioners shall be released on bail upon furnishing a bond of Rs. 20,000/- each with two sureties and one must be local to the satisfaction of the learned Additional Chief Judicial Magistrate, Diamond Harbour, and on condition that the petitioners shall not enter the said village till completion of the trial. They shall furnish his new residential address to the Investigating Officer and shall not try to influence the investigation and the witnesses directly or indirectly and also shall not tamper with the evidence in any manner and they shall

appear before the learned trial court on each and every date as fixed by the trial court. If they fail to comply with and/or adhere to the above conditions, the learned trial court is at liberty to cancel the bail of the petitioners in accordance with law.

7. The application being CRM(M) No.1847 of 2025 is, thus, disposed of.
8. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance of all requisite formalities.
9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

[CHAITALI CHATTERJEE (DAS), J.]