

15.12.2025
Court No.35.
D/L. 11.
Rakib
(rejected)

CRM (M) 1878 of 2025

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Chapra Police Station case no. 563 of 2024 dated 06.06.2024 under Sections 302/34 of the Indian Penal Code, 1860 and Sections 25/27 of the Arms Act, 1959

And

In the matter of : Ujjal @ Ujjwal Mondal

.....Petitioner.

Mr. Milon Mukherjee, Sr. Adv.
Mr. Jaydeep Biswas
Mr. Amanul Islam
Mr. Sourav Mukherjee
Mr. Kaushik Ghosh
Mr. Raja Das
Mr. Gourav Roy
Mr. Asraf Mondal
Mr. Tanbir Mondal

.....for the Petitioner.

Mr. Debasish Roy, Ld. PP
Mr. Saibal Bapuli
Mr. Debanshu Ghorai

.....for the State.

Learned senior advocate appearing for the petitioner submits that the petitioner is in custody for one year six months and has been implicated on the basis of statement of only few witnesses who identified him at a belated stage of the investigation. It has also been pointed out that the de-facto complainant could not identify the present accused while he identified the other accused persons. There are 23 witnesses proposed to be examined by the prosecution and till date only the examination-in-chief of one witness has been completed.

Learned Public Prosecutor opposes the prayer for bail and submits that the present petitioner and another who are in custody were the principal assailants. The deceased fired and there was recovery of fire arm as also ammunition pursuant to the statement of the present petitioner. The petitioner was also identified in the T.I. Parade.

The Case Diary was produced before the Court, on an assessment of the same; I find that CSW13, CSW14 and CSW15 are the principal witnesses linked to the present petitioner. It is also reflected that an application under Section 231(2) of the Cr.P.C. has been filed on behalf of the accused.

Having considered the totality of the materials which the prosecution proposes to rely, I direct that the learned trial Court would pre-pone the examination of Bablu Sk (CSW14). The prosecution and the accused persons would complete their examination-in-chief as well as cross-examination of the said witness namely, Bablu Sk.

It has been informed that on the next date i.e. 22nd of January, 2026 date has been fixed for evidence of CSW14/Bablu Sk.

Having considered the materials in the Case Diary, I direct the learned trial Court to assess the evidence of the said Bablu Sk (CSW14) and if the materials so surface do not inspire the confidence of the Court, the Court would leniently consider the prayer for bail of the present petitioner.

With the aforesaid observations CRM (M) 1878 of 2025 is disposed of.

Case Diary be returned to the learned advocate appearing for the State.

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.)