

09.12.2025

Court No.35.

M/L. 167.

Rakib

(rejected)

CRM (M) 1939 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 Duttapukur Police Station case no. 916 of 2022 dated 27.09.2022 under Sections 302 of the Indian Penal Code.

And

In the matter of : Raja Mondal alias Babu

.....Petitioner.

Mr. Angshuman Chowdhury

Mr. Shashanka Sekhar Saha

.....for the Petitioner.

Ms. Zarin Khan

Ms. Trisha Rakshit

.....for the State.

Learned advocate for the petitioner submits that the petitioner is in custody for three years and one month and till date only five witnesses have been examined out of the proposed 22 witnesses. It has been submitted that there is no scope for conclusion of the trial in near future; as such the petitioner may be released on bail on any stringent conditions.

Learned advocate for the State opposes the prayer for bail and submits that the two eye-witnesses are yet to be examined. Petitioner had a mental preparation and there were materials which were collected from the spot which substantially supports the case that it is the petitioner only who had inflicted the vital blow, resulting in death of the deceased.

Prosecution must understand that in such cases an accused cannot be detained for an indefinite period. After three years if five witnesses are examined, some inertia is required on the part of the prosecution to produce the witnesses and examine them in Court to test the veracity of the witnesses concerned, it's a part of this Case.

Learned trial Court, as such, is directed to ensure that the vulnerable witnesses are concluded at the earliest. Prosecution, if they have any priority they would tender those witnesses. At least 10 witnesses be concluded within the next six months.

Petitioner would renew his prayer for bail after 31st of May, 2026.

Accordingly, CRM (M) 1939 of 2025 is **rejected**.

Case Diary be returned to the learned advocate 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.)