

14.11.2025
Court No.35.
D/L. 32.
Kausik
(Rejected)

CRM (M) 1956 of 2025

In Re: An Application for bail under section 439 (1)(b) of the Code of Criminal Procedure 1973/Section 483 (1) (b) of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kharagpur (Town) P.S. Case No. 421 of 2023 dated 03.09.2023 under Sections 498(A)/302/340B/323/506/34 of the Indian Penal Code and under Sections 3/4 of the Dowry Prohibition Act.

And

In the matter of : Sk. Babul

.....Petitioner.

Mr. Sagar Saha
Mr. Manojit Debnath

....for the Petitioner.

Mr. Malay Bhattacharya
Mr. Pradip Paul
Mr. Gourab Ghosh
Ms. Renesa Dey

....for the defacto-complainant.

Mr. Saibal Bapuli, Ld. APP
Mr. Tirupati Mukherjee

....for the State.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for 2 years and 2 months and till date only one prosecution witness has been examined completely and the examination-in-chief of another witness is in progress.

Learned advocate submits that there is no possibility of the trial being completed in near future as the prosecution intends to examine 19 witnesses.

It has also been brought to the notice of the Court that presently the Trial Court is lying vacant. As such there is hardly any possibility of the trial commencing.

Learned advocate for the State and the defacto-complainant is present. Case diary has been produced before this Court.

I have taken into account the materials which are appearing against the present petitioner which prima facie suggest that the petitioner being the husband of the victim assaulted the victim and hanged her resulting in her death. Post mortem report demonstrates presence of multiple injuries on the person of the victim apart from the ligature mark. Having considered the heinousness of the offence, I am not inclined to release the petitioner on bail.

Accordingly, CRM (M) 1956 of 2025 is dismissed.

However the learned District Judge is directed to ensure that the in-charge Court proceeds with the evidence of the case so that the trial is not stalled thereby paving the way for unnecessary remedies.

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.)