

04.11.2025
Court No.35.
D/L. 21.
Kausik
(Rejected)

CRM (M) 2148 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 Nowda Police Station Case No. 366 of 2022 dated 20.12.2022 under sections 498A/302/120B/34 of the Indian Penal Code, 1860.

And

In the matter of : Sahid Sk & Anr.

.....Petitioners.

Mr. Soumyajit Das Mahapatra
Mr. Somnath Adhikary
.....for the Petitioners.

Ms. Faria Hussain
Mr. Sujan Chatterjee
.....for the State.

Learned advocate appearing for the petitioner submits that majority of the witnesses have turned hostile and hardly there are any substantial evidence for the prosecution to prove the case. The prosecution has relied upon 13 (Thirteen) witnesses in this case according to the learned advocate and there is no material to substantiate so far as the case against the petitioners are concerned who are in custody for 2 years and 1 month.

Learned advocate appearing for the State draws the attention of the Court to the post-mortem report as also statement of the witnesses as available in the case diary.

Learned advocate for the State also submits that the trial is at the verge of completion and the prosecution would

put in efforts to conclude the trial within a reasonable period of time.

Learned advocate for the State submits that although in the charge sheet 16 (Sixteen) witnesses have been cited but he has written instructions to the effect that the prosecution will examine 13 (Thirteen) witnesses in connection with the instant case.

Be that as it may, the petitioners are in custody for 2 years and 1 month. Having regard to the nature of the offence and the period of time which has lapsed in the meantime, when the petitioners were in custody, I direct that the prosecution would conclude all its witnesses by 31.12.2025.

The petitioners and other accused persons are directed to co-operate with the learned Trial Court. It is further directed that the evidence of this case would continue irrespective of any resolution being taken by the local Bar.

The Superintendent of Police, Murshidabad will engage a Nodal Officer so that all steps are taken for the witness summons to be executed and for the witnesses to be present on the date so fixed by the learned Trial Court. In case, in spite of efforts of the learned Trial Court within 31.12.2025 the prosecution evidence is not complete, the learned Trial Court will thereafter leniently consider the bail application of the petitioner.

Accordingly, CRM (M) 2148 of 2025 is dismissed.

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.)