

04.11.2025

Court No.35.

D/L. 23.

Kausik

(Rejected)

CRM (M) 2151 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 Jetia Police Station Case No. 210 of 2022 dated 06.11.2022 under Sections 302/201 of the Indian Penal Code, 1860.

And

In the matter of : Bipul Roy @ Ray

.....Petitioner.

Mr. Shibaji Kumar Das

Ms. Deblina De

Mr. Dipendu Sarkar

Ms. Maitrayee Das

.....for the Petitioner.

Mr. Jayanta Narayan Chatterjee, Sr. Adv.

Mr. Sirshendu Sinha Roy

Mr. Supreem Naskar

Ms. Jayashree Patra

.....for the Defacto Complainant.

Ms. Amita Gour

Mr. Abhinaba Mukherjee

.....for the State.

Learned advocate appearing for the petitioner submits that the petitioner is in custody from November, 2022 and there is hardly any scope of the trial being concluded in near future.

It has been additionally submitted on behalf of the petitioner that out of 12 (Twelve) witnesses so proposed to be examined by the State, initially examination-in-chief of 5 witnesses were over.

State proposed to change the learned Counsel and an application under Section 311 of Cr.P.C. was preferred on behalf of the State. The petitioner has challenged the order of recall of the witnesses and there has been stay of the Trial Court proceedings.

Learned advocate for the defacto-complainant is present and submits that a vacating application is pending.

Learned advocate for the State is also present.

Since the stay of the proceedings has been obtained by the petitioner himself before the revisional court, I am of the opinion that the petitioner cannot take an advantage of stay of the proceedings. Delay in this case cannot be attributed to the prosecution at this stage until and unless the revisional application is disposed of by the appropriate court.

Accordingly, at this stage, I am not inclined to the prayers advanced by the petitioner. Thus, CRM (M) 2151 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.)