

11.11.2025

Item No.23

Ct.No.35

dc.

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M. (M) 2251 of 2025

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Rajapur Police Station Case No. 29 of 2024 dated 29.01.2024 under Sections 302/201 of the Indian Penal Code (charge-sheet under Sections 302/201/120B of the Indian Penal Code).

And

In Re : **Nasiruddin Gayen**

... Petitioner.

Mr. Pronojit Roy,
Mr. Ashutosh Mandal

... For the Petitioner.

Mr. Bibaswan Bhattacharya,
Mr. Dattatreya Dutta

... For the State.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for about 1 year 9 months and although charge was framed on September 2024, but till date only 3 witnesses have been examined out of 24 witnesses so cited by the prosecution. It has also been contended that similarly placed accused persons have already been granted bail by the Division Bench of this Hon'ble Court.

Learned advocate appearing for the State, on the other hand, opposes the prayer for bail and draws the attention of the Court to the statements of the witnesses as also the *post mortem* report.

Prima facie, I find that there are materials which speak volumes particularly the heinousness of the offence. Having regard to the gravity of the case, only on the point of delay, I

am not inclined to release the petitioner on bail at this stage.

As such, the prayer for bail of the petitioner is **rejected**.

However, the prosecution must also be careful to understand that for time immemorial they cannot carry on with the evidence of a case when a person is in custody. Consequently, I direct the Superintendent of Police, Howrah Rural Police District to engage a Nodal Officer in the rank of Additional S.P./SDPO/DSP who would monitor to the extent of ensuring the availability of the witnesses on the date so fixed by the learned Trial Court.

It is further directed that the learned Trial Court will put in efforts so that at least by 30.04.2026, 15 more witnesses are examined in connection with the instant case.

Petitioner would co-operate with the progress of the case and the trial of the case would continue in spite of any resolution of the local Bar.

The application for bail, being CRM (M) 2251 of 2025, is, thus, disposed of.

All concerned parties shall act on the server copy of this order duly 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.)