

08.12.2025
Serial no. 2
[G.S.D]

CRM (M) 2408 of 2025

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure, 1973/under Section 483 of the BNSS, 2023 in connection with **Tangra Police Station Case No. 58 of 2023 dated 08.03.2023 u/s 302/394/201/34 of the IPC.**
-And-

In the matter of : Rabbani Ahmed @ Gulam Rabbani
... .. Petitioner(s)

Ms. Sanjida Sulana
Mr. S. Hossain

... for the Petitioner(s)

Mr. Bitashak Banerjee
Mr. Parvej Anam

... for the State-respondent(s)

Learned advocate for the State has submitted a report prepared by the Deputy Commissioner of Police (Special), Detective Department. The report reflects that the petitioner fled away to Bangalore and then to Delhi after committing the offence and he along with another co-accused was arrested from Delhi.

According to the State, there are substantive materials which have been collected against the present accused and the delay in the present case cannot be solely attributed to the prosecution.

To that effect, it has been contended that for one of the accused, there was delay of about three months, thereafter, charges were framed and cross-examination was deferred on 15.03.2024, 02.08.2024, 06.08.2024, 10.09.2024, 10.01.2025 and 28.03.2025. Learned advocate

also submits that there were other issues relating to resolution of the local Bar, dates have been specified in the report being 18.11.2024, 18.04.2024, 15.05.2025 and 26.06.2025.

According to the State, the prosecution proposes to examine 25 witnesses in order to prove its case. There were earlier directions also of this Court. But, the manner in which dates have been deferred, the same is beyond the control of the prosecution.

Learned advocate for the petitioner emphasizes on the order passed earlier on 19th June, 2025 passed by a Co-ordinate Bench of this Hon'ble Court.

Having regard to the list of dates on which the court could not proceed with the case, I am of the opinion that delay in the present scenario cannot be solely attributed to the prosecution.

However, there are six witnesses who have been examined and the prosecution proposes to examine another 19 witnesses, as such, all efforts be exerted to examine at least 10 more witnesses by 31st may, 2026.

Considering the nature of the offence committed and the conduct of the accused persons, I am not inclined to enlarge the petitioner on bail, at this stage.

Hence, the prayer for bail of the petitioner is **Rejected.**

Accordingly, CRM(M) 2408 of 2025 is **dismissed**.

Pending application(s), if any, is also disposed of.

Report so submitted be kept with the record.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)