

28.11.2025
Serial no. 150
[G.S.D]

CRM (M) 2385 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 **Bhagwangola PS Case No. 423 of 2024 dt. 18.08.2024 u/s 126(2)/115(2)/117(2)/109/303(2)/3(5) of the BNS, 2023.**

-And-

**In the matter of : Diluwar Hossain @ Deluwar Hossain
@ Dilwar @ Delwar Hossain**

... .. Petitioner(s)

Mr. Sabir Ahmed
Mr. Somnath Adhikary

... for the Petitioner(s)

Mr. Koushik Kundu
Mr. Subhasish Datta

... for the State-respondent(s)

Learned advocate for the petitioner submits that the petitioner is in custody for one-year-twenty days and similarly placed accused person has been granted bail by a Co-ordinate Bench of this Hon'ble Court.

Learned advocate also has drawn the attention of the court to paragraph 3 of the order passed in CRM (M) 1799 of 2025, which are as follows:

'Heard the submissions of both the learned advocates. Perused the materials of record and the Case Diary, the contents of the FIR and the statement made under Section 183 of BNSS. Considering the extent of complicity of the present petitioner coupled with the period of detention and the fact that there is remote possibility of an early conclusion of the trial, this Court is inclined to allow the prayer of the petitioner for bail.'

Learned counsel again submits that, on the contrary, on 27.10.2025 in CRM(M) 1651 of 2025, the petitioner's

application for bail was rejected by assigning following reasons:

'2. It is submitted on behalf of the petitioner that it is prescribed by the petitioner that the statement made by various witnesses under Sections 181 and 183 of B.N.S.S., the name of the present petitioner can be seen as well his complexity. The similar circumstances the accused Saddam Hossain's prayer also turned down by the Division Bench of this Court. The other co-accused is still at large. The period of detention covered is more than one year.'

Learned counsel claims parity and submits that there are fatal blows which were caused by the other two accused persons, consequently, the present petitioner and the person who has been enlarged on bail are similarly placed, as such, the petitioner should be released on bail.

Learned advocate for the State, on the other hand, produced the Case Diary and has drawn the attention of the court to the statement of one Golam Rosul – the minor son of the deceased, wherein the name of the present petitioner appears but the name of other accused Saddam Hossain do not appear. The case diary also reflects the statement u/s 183 of one Alauddin Sk which speaks the names of the present petitioner and Saddam.

It has been emphasized on behalf of the petitioner that he should be released on bail as materials are neither appearing against the present petitioner nor the other accused who has been enlarged on bail, and the fatal blows were inflicted by a different person.

I have assessed the statement of the witnesses, particularly, Golam Rosul and Aminul Islam and, on an assessment of the same, I am of the view that the petitioner is thickly connected with the alleged offence as he was a part of the conspiracy.

However, it has been contended on behalf of the State that the case has already been committed and date has been fixed for framing of charges.

Having regard to the same and the materials appearing in the case diary, at this stage, I am not inclined to enlarge the petitioner on bail.

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

Accordingly, CRM(M) 2385 of 2025 is **dismissed.**

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

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.)

