

17.12.2025
Court No.35.
D/L. 1.
Kausik
(Rejected)

CRM (M) 2399 of 2025

In Re: An Application for Bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023/ Section 439 of the Code of
Criminal Procedure, 1973 in connection with Burrabazar Police
Station Case No. 243 of 2016 dated 04.06.2016 under Section
307 of the Indian Penal Code;
And

In the matter of : Ibrar Khan @ Abrar Khan

.....Petitioner.

Mr. Sourav Mondal
Mr. Subhojit Chowdhury
Mr. Arijit Bhuiya
Mr. Rony Mondal

.....for the Petitioner.

Mr. Bitosak Banerjee
Mr. Abhishek Verma

.....for the State.

Learned advocate appearing for the State has submitted
a report which states that the Defence has taken time on 7
occasions, witnesses did not turn up on 12 occasions,
Presiding Officer was on leave on 7 occasions and for local bar
resolution on 6 occasions the trial could not be held.

Having regard to the fact that the petitioner is in
custody since November, 2017 and whole of the delay cannot
be attributed to the prosecution itself and taking into account
that 6 witnesses are left to be examined by the prosecution, I
direct that within a period of 3 months from the next date fixed
learned Trial Court would fix as many schedule as he deems fit
and proper but would complete the prosecution witnesses.

In case the prosecution witnesses are not completed within the time schedule of 3 months from the next date, petitioner would be released on bail subject to such terms and conditions as the learned Trial Court deems fit and proper.

However, it is stated that no unnecessary adjournment be granted to any of the parties and the trial of the case would continue in spite of any resolution of the local bar.

If any other dilatory tactics is adopted by the petitioner who is in custody, the learned Trial Court would take into account the same before considering the bail prayer if the trial is not completed within the aforesaid schedule.

Learned Trial Court is further directed to stick to the schedule by allowing examination-in-chief and cross-examination of each witness to be completed within 2 days. No further time be granted to any of the parties.

With the aforesaid directions, the bail application being CRM (M) 2399 of 2025 is rejected at this stage.

However, the learned Trial Court would adhere to the directions passed above.

Report so submitted be kept with the record.

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.)