

D/L36
16.12.2025
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C.R.M. (M) 2559 of 2025

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973/under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Itahar Police Station Case No.224/21 dated 13.05.2021 under Sections 363/365/420 of the Indian Penal Code, 1860 adding Sections 302/201/376 of the Indian Penal Code, 1860;

Krishna Kamal Adhikary alias Rana Adhikary
Versus
The State of West Bengal & Anr.

Mr. Sukanta Chakraborty
Mr. Anindya Halder
Mr. S. Chakraborty.
...for the petitioner.
Mr. Bitashok Banerjee.
...for the State.
Mr. Kaushik Choudhury
Mr. Dwaipayan Panda.
...for the de facto complainant.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for more than 4 years and out of 45 witnesses proposed to be examined only 20 witnesses have been examined. As such, on any stringent conditions, the petitioner may be released on bail.

On the other hand, learned advocate for the State opposes the prayer for bail and submits that in the present case two persons were murdered and there are recoveries under Section 27 of the Indian Evidence Act. Further, the trial is being delayed on the ground of revisional application pending before the High Court. The court presently is also lying vacant, according to the State.

Consequently, the prosecution in spite of best efforts is unable to progress with the case.

Learned advocate for the de facto complainant opposes the prayer for bail and submits that the petitioner is thickly connected with the alleged offence.

I have taken into account the stage of the case and materials which has surfaced in the case diary and on an overall assessment of the same, I am of the opinion that this is not a fit case for releasing the petitioner on bail.

Accordingly, CRM(M)2559 of 2025 is dismissed.

Learned Registrar (Judicial Service), High Court, Calcutta is directed to ensure that at the earliest the Presiding Officer is made available to the concerned court.

State would put in efforts to conclude at least 10 witnesses within six months from the date on which the Judicial Officer joins the court.

Petitioner would be at liberty to approach this Court after a period of six months if within the said period there is no progress in the trial of the case.

All 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 of all requisite formalities.

(Tirthankar Ghosh, J.)

