

D/L34
10.12.2025
Bpg.
Dismissed

C.R.M. (M) 2616 of 2025

In Re: An application for bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, corresponding to Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Ramnagar Police Station Case No.77 of 2020 dated 30.07.2020 under Sections 302/34 of the Indian Penal Code;

Amit Middya
Versus
The State of West Bengal

Mr. Uday Sankar Chattopadhyay
Ms. Sadia Parveen
Ms. Bidisha Chakraborty.
...for the petitioner.

Mr. Iqbal Kabir
Mr. Debanik Das.
...for the State.

Mr. Soumya Nag
Mr. Aditya Tiwari.
...for the de facto complainant.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for 5 years 4 months and only 9 witnesses have been examined, according to the instructions received by the learned advocate. On any stringent conditions the petitioner prays for bail on the ground of Article 21 of the Constitution of India.

On the other hand, learned advocate for the State submits a report of the public prosecutor which reveals that 15 prosecution witnesses have been examined and the State intends to examine 8 more charge-sheeted witnesses. According to the report

submitted the majority of the witnesses include doctor, FSL expert and the investigating officer.

Having considered that 8 more witnesses are required to be examined, I grant 8 more months to prosecution to complete its witnesses. Accordingly, learned trial court would conclude all the 8 witnesses proposed to be tendered by the prosecution by 31st July, 2026.

At this stage, the prayer for bail of the petitioner in CRM(M)2616 of 2025 is dismissed.

However, the learned trial court would release the petitioner on bail in case by 31st July, 2026 if the prosecution in spite of its best efforts is unable to conclude 8 more witnesses which it proposes today. No unnecessary adjournments be granted to any of the parties and the trial of the case would continue in spite of any resolution of the local bar.

Report submitted by the State prepared by the learned public prosecutor appearing in the trial court be kept with the record.

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.)

