

22.12.2025
Serial no. 44
[G.S.D]

CRM (M) 2668 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 **Sessions Trial No. 03(01)/2020 arising out of South Port PS Case No. 118 of 2019 dt. 19.06.2019 u/s 302 of the IPC, 1860.**

-And-

In the matter of : SK Raju

... **Petitioner(s)**

Mr. Rhiddhiman Mukherjee
Mr. Soujanya Pattanayak

... for the Petitioner(s)

Mr. Bibaswan Bhattacharya
Ms. Jonaki Saha

... for the State-respondent(s)

The petitioner has renewed his prayer for bail as he is in custody for six years and six months. The petitioner’s bail application was earlier rejected on 02.04.25 in CRM (DB) 345 of 2025. However, there were certain observations in the said order that out of the 15 charge-sheeted witnesses, six witnesses have been examined.

Today, it has been submitted on behalf of the State that eight witnesses have been examined out of the 15 witnesses cited in the charge-sheet. There was also direction in the earlier order to expeditiously proceed with the trial without granting any unnecessary adjournment to either of the parties.

The report submitted by the State reflects that pursuant to the said order, an application under section 311 of the Cr.P.C. was filed on 04.06.2025. On 08.07.2025, learned Public Prosecutor was seriously ill; on 06.08.2025, one witness was examined and cross-examined; on 06.09.2025, one witness was present, however, the Court was busy with the District Judge's Court and, on 08.12.2025, no witness was present inspite of the summons being issued.

The petitioner cannot be held responsible for the delay which has been caused and slow progress of the trial.

Having regard to the period of detention of the present petitioner and on the ground of Article 21 of the Constitution of India, I am inclined to release the petitioner on bail.

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

Accordingly, the petitioner viz, SK Raju shall be released on bail upon furnishing bond of Rs.20,000/-(Rupees Twenty Thousand only), with two sureties of Rs.10,000/-(Rupees Ten Thousand only) each, one of whom must be local, to the satisfaction of the learned CJM, Alipore.

If on bail, the petitioner shall make himself physically available on each and every date so fixed by the learned

trial court and shall not leave the district of Kolkata without prior intimation to the learned trial court.

Accordingly, CRM(M) 2668 of 2025 is **allowed**.

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.)