

22. 18.03.2025
Court
No.29 (Pritam)
(Rejected)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 9 of 2025

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Nabagram** Police Station Case No.**121/2024** dated **18.03.2024** under Sections **341/325/307/302/34** the IPC, 1860.

And

In the matter of: - **Aulad Sk. Aolad Sk. @ Aulaad Seikh.**
.....petitioner.

Mr. Milon Mukherjee, Sr. Adv.,
Mr. Asif Iqbal
...for the petitioner.

Ms. Sreyasree Biswas,
Ms. Pushpita Saha
....for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he is in custody for 1 (one) year. He renews his prayer for bail, which was rejected on merits on August 5, 2024 passed in CRM (DB) 2196 of 2024.
2. We do not find any significant change of circumstances, which would persuade us to re-consider the petitioner's prayer on merits.
3. Learned senior counsel appearing for the petitioner drew our attention to the post-mortem report as well as the FIR and said that the post-mortem report and the FIR do not support each

other. The nature of injury indicated in the post-mortem report which caused the death of the victim is different from what is alleged.

4. All these matters may be thrashed out at the trial. At this stage, we are not inclined to entertain the petitioner's prayer for bail, considering the *prima facie* incriminating material against him. We also find that three accused persons are still absconding. Charge is yet to be framed.
5. The prayer for bail is, thus, **rejected**.
6. CRM (DB) 9 of 2025 is disposed of.
7. However, we also clarify that all the above observations made in this order are only for the purpose of deciding this bail application and shall have no bearing on the trial.
8. Considering that the petitioner is in custody for quite some time, we direct the learned trial judge to split up the trial in accordance with law so that the trial can commence at least against those accused persons, who are facing trial.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)