

24. 19.02.2025
Court
No.29 (Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 26 of 2025

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Bhagwangola P.S. Case No.421/2024 dated 16.8.2024.

And

In the matter of: - **OIBUR SK. @ AIBUR SK. AND ANR.**

...petitioners.

Mr. Ranadeb Sengupta
Mr. Sachit Talukdar

...for the petitioners.

Mr. Suman De
Ms. Rita Datta

...for the State.

Mr. Tapodip Gupta

...for the *de facto* complainant.

Dictated by Arijit Banerjee, J.

1. The petitioners say that they had no major role to play in the alleged incident of murder. They were only present at the place of occurrence as per the statements recorded by witnesses under Sections 161/164 of the Criminal Procedure Code, 1973. The prime assailant was Golam Sk. who shot the victim on the head. They are in custody for six months. The case has not even been committed. There are 29 charge-sheet named witnesses. There is no possibility of an early conclusion of the trial. They also say that at least two other accused persons have been granted bail. They pray for bail.
2. Learned Advocates for the State and the *de facto* complainant, while opposing the bail prayer, draw our attention to statements of witnesses recorded under Section 164 of the Criminal

Procedure Code, 1973. One of the eyewitnesses says that a number of persons including these petitioners entered the house of the victim and all of them assaulted the victim. Golam Sk. fired the fatal shot. Several accused persons are absconding. That is why the delay in progress of the trial.

3. We have considered the material on record. The accused persons, who were granted bail, were not named in the statements recorded under Section 164 of the Criminal Procedure Code, 1973. The post mortem report *prima facie* supports the prosecution case. We are also of the view that given that a number of accused persons are absconding, there is high probability of these petitioners absconding, if granted bail.
4. In view of the aforesaid, we are not inclined to entertain the petitioners' prayer for bail, at this stage. The prayer for bail is rejected.
5. The application being CRM (DB) 26 of 2025 is accordingly dismissed.
6. However, considering that the petitioners are in custody for about six months, we direct the learned Trial Court to expedite the trial and conclude the same on an early date, if necessary, by splitting up the records of the case and the trial, in accordance with law.
7. Parties to communicate this order to the learned Trial Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)