

05.02.2026

Item No.10

Ct.No.35

dc.

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M. (M) 82 of 2026

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Harishchandrapur Police Station Case No. 1276 of 2023 dated 17.12.2023 under Sections 364/302/201/120B of the Indian Penal Code.

And

In Re : **Motibur Rahaman @ Motiur Rahaman and another**
... Petitioners.

Mr. Sourav Chatterjee, Sr. Adv.,
Mr. Asfak Ahammed,
Ms. Namrata Chatterjee

... For the Petitioners.

Ms. Faria Hossain,
Mr. Aniket Mitra

... For the State.

Mr. Omar Faruk Gazi,
Mr. Akashdeep Mukherjee

... For the *de facto* complainant.

Learned senior advocate appearing for the petitioners submits that the petitioners are in custody for 280 days and they have been subsequently incorporated as accused persons in the instant case after the charge-sheet was submitted by the CID.

Learned advocates appearing for the State and the *de facto* complainant oppose the prayer for bail. Attention of the Court was drawn to the statement of some of the witnesses under Section 164 of the Code of Criminal Procedure as well as the other evidences appearing in the case diary.

I have taken into account the evidences. There are some materials at least to connect at this stage, as the

complainant has left no stone unturned for approaching the police authorities for unearthing the truth. The incident complained of is a ghastly incident where the deceased was beheaded and in order to derail the police authorities, the body was kept at the railway track.

Some of the accused persons are still absconding. Learned Additional Chief Judicial Magistrate, Chanchal, Malda is directed to exhaust the harsher process of law against all the accused persons, split up the trial and at the earliest preferably within a period of 75 days, commit the case to the court of sessions.

At this stage, having regard to the manner in which the proceedings are progressing, I am not inclined to release the petitioners on bail. As such, the prayer for bail of the petitioners is **rejected**.

Case diary be returned to learned advocate appearing for the State.

The application for bail, being CRM (M) 82 of 2026, is, thus, dismissed.

All concerned 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 with all requisite formalities.

(Tirthankar Ghosh, J.)