

09.02.2026

Item No.48

Ct.No.35

dc.

Rejected

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

C.R.M. (M) 108 of 2026

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with AJC Bose B. Garden Police Station Case No. 48 of 2021 dated 21.04.2021 under Sections 341/326/307/195A/506/34 of the Indian Penal Code G.R. Case No. 2011 of 2021).

And

In Re : **Devendra Mishra**

... Petitioner.

Mr. Sourav Chatterjee, Sr. Adv.,
Mr. Ayan Bhattacharjee, Sr. Adv.,
Mr. Saumyjit Das Mahapatra,
Mr. Soumya Basu Roy Chowdhuri

... For the Petitioner.

Mr. Debasish Roy, Ld. PP,
Mr. Arindam Sen

... For the State.

Mr. Kallol Mondal, Sr. Adv.,
Mr. Sabyasachi Banerjee, Sr. Adv.,
Ms. Nahid Ahmed

... For the *de facto* complainant.

Learned senior advocate appearing for the petitioner submits that the petitioner was in custody when a case has been engineered for detaining the present petitioner. There is no possibility of the petitioner having any nexus with the person who sustained injury. The prosecution is delaying the trial. In a revisional application being CRR 1574 of 2022, prayer was advanced for expeditious trial. On 23.04.2024, there was direction to complete the trial within a period of one year. In the same order, the co-ordinate Bench was pleased to record that six witnesses have been examined.

According to the petitioner, more than 1 year 8 months have passed since then, but only one more witness has been examined during such period.

Learned senior advocate for the *de facto* complainant is very vociferous for opposing the prayer for bail. List of vulnerable witnesses has been produced along with the synopsis of evidence already adduced before the learned Trial Court.

Learned Public Prosecutor appearing for the State opposes the prayer for bail and submits that person who sustained bullet injury, his examination is not only progressing, but also he is a witness in the main case under Section 302 of the Indian Penal Code for which the petitioner was initially arrested.

Having considered the gravity of the offence, I am not inclined to release the petitioner on bail. As such, the prayer for bail of the petitioner is **rejected**.

However, State must understand also that after 4 years 8 months ordinarily a person is entitled to get a verdict. No unnecessary adjournment be granted to any of the parties and cross-examination be concluded at the earliest of the witness, who is produced by the prosecution.

A statement has been made by the learned Public Prosecutor that in this case, 20 witnesses are to be relied upon. Presumably, 13 more witnesses are left. Accordingly, learned Trial Court would fix two schedules in a month each consisting of three dates and conclude the prosecution witnesses at least within a period of ninety days.

The application for bail, being CRM (M) 108 of 2026, is, thus, disposed of.

Learned Public Prosecutor would communicate this order to the learned advocate appearing for the State in the Trial Court so that the aforesaid directions are implemented.

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.)