

D/L23
07.04.2026

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Allowed

C.R.M. (M) 177 of 2026

In Re: An application for Bail under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 filed in connection with Bhagwangola Police Station Case No.423 of 2024 dated 18.08.2024 under Sections 115(2)/117(2)/126(2)/109/303(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 and charge-sheet submitted under Sections 126(2)/115(2)/117(2)/109/303(2)/103(1)/61/3(5) of the Bharatiya Nyaya Sanhita, 2023 ;

Ali Hossain @ Md. Ali Hossain
Versus
The State of West Bengal

Mr. Phiroze Ddulji
Mr. Mrityunjoy Chatterjee
Ms. Suchismita Chakraborty
Mr. Debarnab Adhikary
Mr. Aritra Ranjan Dutta Roy.
...for the petitioner.

Mr. Ranadeb Sengupta
Ms. Eshita Dutta.
...for the State.

Learned senior advocate appearing for the petitioner submits that the petitioner is in custody since 23rd August, 2024. Petitioner has been implicated in the present case because of previous enmity and even if the prosecution case is accepted in its entirety the same hardly makes out a case for custodial trial. It is submitted that till date out of 32 witnesses cited by the prosecution only 3 witnesses have been examined and there is no possibility of the trial being concluded in near future, as such, the petitioner may be released on bail.

Learned advocate for the State opposes the prayer for bail and submits that it is the present petitioner who struck the first blow with an iron rod and such iron rod was recovered pursuant to his leading statement. To that effect, learned advocate for the State has produced the statement under Section 164 of the Code of Criminal Procedure of one Aminul Islam.

I have taken into account the said statement along with the factum of involvement of other accused persons. The deceased expired after almost 10 days of the incident.

Having regard to the fact that the genesis of the incident cropped up because of certain disputes which were existing and there are no antecedents of the present petitioner as submitted by the learned advocate for the State, I am of the opinion that further detention of the petitioner is unwarranted as there is no possibility of the trial concluding in near future.

Accordingly, the prayer for bail of the petitioner is allowed. The petitioner, namely, Ali Hossain @ Md. Ali Hossain shall be released on bail upon furnishing bond of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties of Rs.10,000/- each, one of whom must be local to the satisfaction of the learned ACJM, Lalbagh, Murshidabad. If on bail, the petitioner shall be physically present on each and every date fixed before the learned trial court and shall not leave the district of Murshidabad without prior permission of the learned trial court.

Accordingly, CRM(M) 177 of 2026 is allowed.

All 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 of all requisite formalities.

(Tirthankar Ghosh, J.)