

07.04.2026
Court No.35.
D/L.26.
Rakib
(Rejected)

CRM (M) 240 of 2026

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Ekbalpore Police Station case no. 412 of 2023 dated 13.07.2023 under Sections 302/34 of the Indian Penal Code.

And

In the matter of : Sk. Sarwari @ Sarwari.

.....Petitioner.

Mr. Arindam Jana
Mr. Yuvraj Chatterjee
Mr. Saikat Guin
Mr. Saheb Naskar

.....for the Petitioner.

Mr. Ranadeb Sengupta
Ms. Suruchi Saha

.....for the State.

Learned advocate appearing for the petitioner submits that the petitioner is in custody since 15th of July, 2023 and till date only three witnesses have been examined out of 57 witnesses cited by the prosecution.

Learned advocate appearing for the State opposes the prayer for bail and submits that there are three T.I. Parade witnesses being CSW 19, CSW 20, CSW 21 and two witnesses relating to the CCTV footages being CSW 32 and CSW 33 which the prosecution intends to examine in the interest of the case and considers to be vital witnesses.

Having considered that the petitioner already in custody for two years eight months, the delay which has occurred is not solely attributed to the prosecution as an application under Section 306 of

the Cr.P.C was filed which was subsequently rejected and consumed substantial time.

In view of the aforesaid, I direct that the petitioner be released on bail after the CSW 19, CSW 20, CSW 21 and CSW 32, CSW 33 are examined by the prosecution.

Let the evidence of the said witnesses be granted priority and efforts be exerted so that the witnesses are examined at the earliest.

With the aforesaid CRM (M) 240 of 2026 is **disposed of**.

Report submitted by the State be kept with the record.

All parties shall act in terms of server copy of the order 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.)