

07.04.2026
Court No.35.
D/L.27.
Rakib
(Rejected)

CRM (M) 244 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 Ultadanga Police Station case no. 23 of 2021 dated 01.02.2023 under Sections 326A/354A/354D/509 of the Indian Penal Code.

And

In the matter of : Sudhir Mukhia.

.....Petitioner.

Mr. Subhashis Dasgupta
Mr. Masnur Ahamed

.....for the Petitioner.

Ms. Sukanya Bhattacharya
Mr. S. Balial

.....for the State.

Mr. Arani Bhattacharyya

.....for the victim lady

Learned advocate appearing for the petitioner submits that petitioner is in custody for five years two months and only 7 witnesses out of the 26 witnesses cited in the charge-sheet has been examined. As such, learned advocate prays for bail on grounds of delay and applicability of Article 21 of the Constitution of India.

State has submitted a report prepared by the Investigating Officer of the case which reflects that six more witnesses who are government officials are required to be examined and the prosecution has prayed for six months time to complete the trial of the case.

The accusations in the present case and the evidence which has been adduced is acid attack on the victim. The legislature in its wisdom has amended provisions, delineating the gravity of such offence and as such necessary provisions by way of Section 326A of

the Indian Penal Code was incorporated. In an offence of such nature delay itself cannot be a priority and is contextual. Such context within its ambit will obviously include not only the delay but also the evidence of the case, the degree of sufferance of the victim and the possibility of the trial concluding in near future.

Having regard to the fact that the prosecution has reduced the number of witnesses and intends to complete the evidence within a period of six months as submitted in the report of the Investigating Officer of the case, I am inclined to allow the period of six months.

As a matter of last chance, the prosecution would conclude all the witnesses which it intends to rely in the next six months. If the same is not concluded within the aforesaid period, the learned trial Court would release the petitioner on bail on such terms and conditions as he deems fit and proper for ensuring further appearance before the Court.

With the aforesaid observations CRM (M) 244 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.)