

CRM (M) 248 of 2026

In the matter of : An application for bail under section 483 of BNSS which corresponds to section 439 of the Code of Criminal Procedure, 1973 filed in connection with Hirapur P.S. Case No. 226 of 2018 dated 04.09.2018 under sections 302/120B of IPC read with sections 25(1B)(a)/27 of the Arms Act.

And

In the matter of : Mahesh Sharma

Mr. Sudipto Moitra, Sr. Adv.
Mr. Aniket Mitra
Mr. S.K. Mondal

... ... for the petitioner

Mr. Bitosok Banerjee
Mr. Subhajit Chowdhury

... ... for the State

Mr. Sandipan Ganguly, Sr. Adv.
Mr. Avik Ghatak
Mr. F. Imam
Mr. S. Saha

... ... for the de facto complainant

Learned advocate appearing for the petitioner submits that the petitioner is in custody for more than two and half years and the evidence till date which has transpired do not inspire confidence and there is no possibility of any conviction.

The evidence of PW 8 which points to the accused also do not narrate any circumstance by which the complicity of the petitioner can be assessed in connection with the instant case.

I find that the petitioner also approached the Court when the Division Bench in its order dated 27.02.2025 in CRM (DB)

45 of 2025 was pleased to observe that only 4 out of 33 witnesses have been examined. There was a direction to expedite the trial. It has been informed presently that 19 witnesses in total have been examined as such 15 witnesses have been examined within a year. Prosecution intends to examine 7 more witnesses.

I find from the list which has been supplied by the learned advocate on behalf of the State that all these 7 witnesses are easily available in view of all of them belonging to the government departments.

Having considered the stage of trial and the fact that earlier the petitioner has evaded the process of law for a considerable period of time, I think this is not a fit case for granting bail to the petitioner.

Accordingly, the prayer for bail of the petitioner in CRM (M) 248 of 2026 is dismissed.

However, the learned Trial Court is directed to ensure that the examination of prosecution witnesses be completed within a period of 90 days from date.

Petitioner would renew the prayer for bail after the aforesaid time period is over.

Report filed by the State be kept with the record.

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.)