

30.03.2026

Item No.74

Ct.No.35

dc.

Rejected

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

C.R.M. (M) 487 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 Kaliachak Police Station Case No. 474 of 2023 dated 22.04.2023 under Sections 341/326/307/302/34 of the Indian Penal Code, 1860 and adding Sections 109/120B of the Indian Penal Code, 1860.

And

In Re : **Asif Sk @ Amjed Sk @ Amjed Sekh**

... Petitioner.

Mr. Abhinaba Mukherjee

... For the Petitioner.

Mr. Joydeep Biswas,

Ms. Trisha Rakshit

... For the State.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for 2 years 11 months and till date, there has been hardly any progress in the case. Only two witnesses have been examined, out of 29 witnesses cited in the charge-sheet. Learned advocate further submits that the present petitioner's name has not transpired from the vital witnesses on whom the prosecution has relied upon in order to prove its case.

Learned advocate appearing for the State, on the other hand, opposes the prayer for bail and submits that the evidence of two witnesses have been completed and so far as the third witness is concerned, the evidence is in progress. Learned advocate for the State also draws the attention of the Court to the statement of the witnesses which

specifically named the present petitioner. It has also been contended that presently the court is lying vacant.

Having regard to the period of detention of the present petitioner and the heinousness of the offence, as a matter of last chance, I am inclined to give the prosecution an opportunity at least the evidence of all the eyewitnesses be completed within a period of six months. At this stage, I am not inclined to release the petitioner on bail considering the heinousness of the offence. As such, the prayer for bail of the petitioner is **rejected**.

However, the prosecution also must take into account that for indefinite period, a person cannot be detained behind the bars. As such, prosecution would put in efforts for adhering to the directions passed hereinabove.

The application for bail, being CRM (M) 487 of 2026, is, thus, disposed of.

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.)