

16.04.2026

Item No.27

Ct.No.35

dc.

Rejected

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

C.R.M. (M) 541 of 2026

In Re : An Application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Shibpur Police Station Case No. 473 of 2024 dated 24.10.2024 under Section 103/238/61(2) of the Bharatiya Nyaya Sanhita, 2023 and Sections 25(IB)/27/35 of the Arms Act.

And

In Re : **Md. Faiyaz**

... Petitioner.

Mr. Sk Toslim Ali

... For the Petitioner.

Mr. Rudradipta Nandy, APP,
Ms. Nandini Chatterjee

... For the State.

Learned advocate appearing for the petitioner submits that in Special Leave to Appeal (Crl.) No(s). 14139/2025 the Hon'ble Supreme Court by the order dated 21.11.2025 was pleased to record that State would examine 23 eyewitnesses out of which 3 witnesses have been examined and such evidence would be completed within two months. The Hon'ble Apex Court was further pleased to grant liberty to the petitioner to revive his prayer for grant of bail after three months.

State has submitted a report which reflects that on 06.12.2025, the case was adjourned as witness did not turn up; on 18.12.2025, defence counsel deferred the cross-examination of PW-3; on 17.01.2026, cross-examination of PW-3 was finally completed and on February, 2026, three

schedule dates were fixed, but no trial could take place as the learned Trial Court was engaged in SIR duties.

Having considered that there was change of circumstances both in the administration of the criminal justice system because of other assignment of the learned Trial Courts, I am of the view that the prosecution must be given some opportunity to record the evidence of 23 witnesses. Having considered that earlier the prayer for bail of the present petitioner was rejected and primarily the Hon'ble Supreme Court also did not accede to the prayer for bail and granted time to the prosecution to adduce evidence, I am of the opinion that a reasonable opportunity must be granted to the prosecution. Accordingly, prosecution would put in efforts to examine the witnesses which they represented before the Hon'ble Supreme Court within a schedule period of sixty days from the date of communication of this order before the learned Trial Court. Learned Trial Court will not grant any adjournment to any of the parties and the trial of the case would continue in spite of any resolution of the local Bar.

At this stage, the prayer for bail of the petitioner is **rejected.**

Report submitted by the learned advocate appearing for the State be kept with the record.

The application for bail, being CRM (M) 541 of 2026, is, thus, disposed of.

Learned advocate appearing for the State would communicate this order to the learned Trial Court in seisin of the case.

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.)