

23.04.2026
Court No.35.
D/L.85.
Rakib
(Rejected)

CRM (M) 637 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 Banshibari Police Station case no. 397 of 2024 dated 14.10.2024 under Sections 331(8)/103(1)/309(6 of the BNS, 2023 adding Sections 310(3)/317(3) of the BNS, 2023 and adding Sections 25(1A)(1B)/27 of the Arms Act.

And

In the matter of : Subrata Khan.

.....Petitioner.

Mr. Kaushik Cboudhury
Mr. Dwaipayan Panda

.....for the Petitioner.

Mr. Rudradipta Nandy, Ld.APP
Mr. Shubham Bhakat

.....for the State.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for one year five months and till date witness action has not commenced. Although, charge-sheet has been submitted and date has only been fixed for consideration of charges.

Learned advocate for the State opposes the prayer for bail and submits that so far as the materials in the present case is concerned the accused along with others not only committed the dacoity but also strangulated the husband of the complainant to death. There are overwhelming materials in the Case Diary to support the case. So far as the present petitioner is concerned the chain of circumstances do lead to the involvement of the present petitioner as the articles which were recovered belonged to the

husband of the complainant and the complainant herself identified the recovered articles at the time of T.I. Parade.

Prima facie, the materials which have been collected by the investigating agency do portray a heinous picture. However, at the same time petitioner is in custody for one year five months.

Accordingly, learned trial Court in seisin of the case is directed to split up the trial, if required; overcome the stage of consideration of charges and give priority to the examination of the vulnerable witnesses.

The learned Public Prosecutor conducting the trial will submit a list of vulnerable witnesses immediately after the charges are framed by the learned trial Court.

Petitioner would be at liberty to approach this Court after the evidence of the vulnerable witnesses are over which, if the diary of the trial Court permits be completed within a period of one year from date.

With the aforesaid observations CRM (M) 637 of 2026 is **dismissed at this stage.**

State is directed to communicate this Court through the learned Public Prosecutor conducting the trial and place the order of this Court to the learned trial Court.

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.)