

24.04.2026

Court No.35.

D/L. 144.

Kausik

(Rejected)

CRM (M) 743 of 2026

In Re: An Application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023/ Section 439 of the Code of Criminal Procedure, 1973 in connection with Nazat Police Station Case No. 237 of 2023 dated 13.10.2023 under Section 302 of the Indian Penal Code, 1860 read with Section 25/27 of the Arms Act.

And

In the matter of : Atabuddin Molla @ Ataa @ Ata

.....Petitioner.

Mr. Subhrajyoti Dey

Mr. Sushovon Dey

.....for the Petitioner.

Mr. Arijit Ganguly

Ms. Debjani Sahu

.....for the State.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for more than 2 years and 5 months and till date only one witness has been examined out of the 29 witnesses cited by the prosecution.

Learned advocate for the State opposes the prayer for bail and draws the attention of the Court to the earlier orders. So far as complicity of the present petitioner is concerned, that is reflected in the earlier orders of this Court relating to recovery of the offending firearms. So far as the contribution to the delay, it is reflected from the order sheet of the learned Trial Court that the present petitioner initially engaged an advocate.

The said advocate, on the date when the witness was present, was not appearing. Petitioner informed the Court that he intends to engage a lawyer from the SDLSA. Consequently, lawyer was engaged and the witness had to return. Similar incident took place on 09.02.2026 for supply of copies.

Having considered that, on two continuous dates the prosecution witnesses had to return for the petitioner not cooperating with the Trial Court, I am not inclined to release the petitioner on bail as impediments are created in the progress of the trial.

Accordingly, prayer for bail of the petitioner in CRM (M) 743 of 2026 is **dismissed**.

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.)