

20.04.2026
Court No.35.
D/L. 180.
Kausik
(Rejected)

CRM (M) 761 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 Baguihati Police
Station Case No. 231/2024 dated 16.04.2024 under Section
343/366A/366B/368/370/372/373/120B of the Indian Penal
Code, 1860.

And

In the matter of : Avijit Swain @ Abhijit Swain

.....Petitioner.

Mr. Dulal Sarkar
Mr. Kajal Mukherjee
Mr. Bikash Chakraborty

.....for the Petitioner.

Mr. Joydeep Biswas
Ms. Jonaki Saha

.....for the State.

Learned advocate appearing for the petitioner draws the
attention to the order passed by the Hon'ble Supreme Court on
01.12.2025 wherein there was a direction to conclude the trial
on or before 31st January, 2026.

It has been pointed out by the State that all the
witnesses have already been examined and date has been fixed
for examination of the accused persons under Section 313 of
the Code of Criminal Procedure. So far as Section 313 of the
Code of Criminal Procedure is concerned, the same is between
the State and the accused and there is a very limited role of the
prosecution, if they intend to add any question.

Learned advocate for the petitioner submits that the Court is lying vacant. Having regard to the period of detention, I direct the learned Trial Court, immediately after it joins, would within a month conclude the examination under Section 313 of the Cr.P.C. and if no defence witness is tendered, pronounce the verdict within a period of 30 days thereafter.

Having regard to the advanced stage of the case, I am not inclined to release the petitioner on bail.

Accordingly, CRM (M) 761 of 2026 is **dismissed**.

Report submitted by the State be kept with the record.

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.)