

22.06.2026
Court No.35.
D/L.550.
Rakib
(Rejected)

CRM (M) 820 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 Shibpur Police Station case no. 375 of 2021 dated 26.10.2021 under Sections 326/307/120B of the Indian Penal Code, 1860.

And

**In the matter of : Md. Juhi @ Kallu @ Afzal Javed @ Kaloo @
Juhi Babu.**

.....Petitioner.

Mr. Satadru Lahiri
Mr. Sourav Paul

.....for the Petitioner.

Mr. Sandip Chakraborty
Mr. Soumik Ganguly
Mr. Joydeep Biswas
Mr. Ashok Das
Mr. Arun Kr. Upaddhay
Mr. Rahul Kinkar Pandey
Mr. Kaustav Das

.....for the de-facto complainant.

Mr. Sagar Saha

.....for the State.

Learned advocate appearing for the petitioner submits that petitioner is in custody for four years and eight months and till date only two witnesses have been examined out of the cited 18 witnesses. Learned advocate submits that there is no possibility of the witnesses being examined and the prosecution as well as systematic delay has majorly contributed to the petitioner languishing in jail. It has also been submitted that petitioner is not similarly placed as the other accused, who are in custody.

Learned advocate for the de-facto complainant is present and submits that the accused persons in order to grab a land forced

themselves and injured one Tanvir Alam, an advocate residing at the locality. The accused persons according to the present petitioner have criminal antecedents and learned advocate for the de-facto complainant submits that at least 20 cases are pending against the accused persons. According to the de-facto complainant there are two other vulnerable witnesses being CSW1/complainant and CSW4/Imtiaz.

Learned advocate appearing for the State opposes the prayer for bail.

I have taken into account the overall circumstances as also the assertion on which the learned advocate for the petitioner submits that so far as the present petitioner before this Court is concerned, there are no criminal antecedents.

Be that as it may, I have perused the Case Diary and I find that the injury was inflicted in a heinous manner by some of the accused persons and in his evidence it is found that when he was proceeding to the hospital this petitioner also assaulted him. Be that as it may, these are evidential appreciation to be considered at the appropriate stage. Petitioner is in custody for four years eight months. So far as the other two witnesses are concerned, they have been fixed on the next date by the learned trial Court. Learned trial Court would within a period of 60 days from the next date fixed complete the evidence of the said two witnesses and if the trial is supposed to take some more time to be taken to its logical conclusion release the petitioner on bail thereafter on such terms

and conditions as he deems fit and proper. At this stage, prayer for bail of the petitioner is rejected.

Accordingly, CRM (M) 820 of 2026 is **dismissed**.

Case Diary be returned to the learned advocate for the State.

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.)