

30.04.2026

Item No.177

Ct.No.35

dc.

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M. (M) 861 of 2026

In Re : An Application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Basirhat Police Station Case No. 573 of 2025 dated 01.07.2025 under Section 103(1) of the Bharatiya Nyaya Sanhita, 2023.

And

In Re : **Abdul Hassan Molla**

... Petitioner.

Mr. Satadru Lahiri,
Mr. Safdar Azam

... For the Petitioner.

Mr. Md. Adil Badr,
Mr. Md. Kutubuddin

... For the State.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for 281 days and the documents relied upon by the prosecution fails to make out any case so far as the present petitioner is concerned. It has been reiterated on behalf of the petitioner that the investigating authorities have failed to connect the present petitioner with the alleged offence and on the basis of certain conjectures and surmises implicated the petitioner as the sole accused and the petitioner is unnecessarily languishing in jail. Additionally, it has been submitted that since charge-sheet has been submitted, further detention of the petitioner is unwarranted and as such, he may be released on bail.

Learned advocate appearing for the State, on the other hand, opposes the prayer for bail and produces the case diary.

I have taken into account the *post mortem* report and the nature of injuries inflicted. *Prima facie*, it would be very difficult to come to a logical conclusion as to whether the petitioner is associated with the offence or not as the whole of the trial is left, petitioner is the sole accused. Petitioner is in custody for about more than nine months. Having taken into consideration the overall circumstances, at this stage, I am not inclined to release the petitioner on bail. As such, the prayer for bail of the petitioner is **rejected**.

However, I direct that after the stage of consideration of charges is over, two witnesses viz. Md. Nayan Molla, CSW-1 and Akhi Khatun, CSW-18 be given precedence by the learned Trial Court.

Learned Trial Court would ensure that after receipt of the records, the stage of consideration of charges be overcome within a period of three weeks and thereafter within a period of 45 days, the evidence of the two witnesses be completed.

Petitioner would be at liberty to approach this Court after the evidence of the said witnesses is over.

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

The application for bail, being CRM (M) 861 of 2026, is, thus, disposed of.

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.)