

08.05.2026
Court No.35.
D/L.221.
Rakib
(Rejected)

CRM (M) 974 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 Usthi Police Station case no. 146 of 2021 dated 03.05.2021 corresponding to G.R. No. 1182 of 2021 of Branch Case No. RC0562021-S-0013 dated 26.08.2021 of CBI Special Crime Branch, Kolkata, under Sections 143/147/148/149/302/323/447/201 of the Indian Penal Code and Section 27 of the Arms Act.

And

In the matter of : Chirnajit Roy @ Chiran @ Chiran Roy.

.....Petitioner.

Mr. Md. Asraf Ali
Mr. Sankar Banerjee

.....for the Petitioner.

Mr. Amajit De, Special PP, CBI

.....for the CBI.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for four years three months and out of five accused persons charge-sheeted according to the learned advocate four accused persons have been granted bail and the present petitioner is the only accused who is behind the bars. Learned advocate for the petitioner submits that out of 30 witnesses only 5 witnesses have been examined and the evidence of PW6 is in progress. Learned advocate submits that in spite of the earlier direction of completing the trial, till date there is no possibility of the trial being completed in near future.

Learned advocate for the CBI on the other hand opposes the prayer for bail and submits that the genesis of the present case arose out of post-poll violence. Initially all the five accused persons were granted bail and subsequently the bail of the accused persons

were cancelled. However, some of the accused persons have been released on bail but so far as the complicity of the present petitioner is concerned according to the prosecution case it is the present petitioner who fired at the deceased. There are statements of eye-witnesses which supports such contention.

Be that as it may, prosecution intends to examine 30 witnesses. Although, the regular movement before the learned trial Court is not before this Court, however, to examine five prosecution witnesses in a case where the accused is in custody for four years three months is definitely a very slow progress in the trial.

However, the gravity of the offence compels this Court to grant one more opportunity to the CBI. Accordingly, it is directed that the learned Public Prosecutor representing the CBI before the trial Court would submit a list of vulnerable witnesses.

Learned trial Court would put in all efforts so that evidence of the vulnerable witnesses are completed within a period of six months.

It is further directed that no unnecessary adjournment be granted to any of the parties and the trial of the case would continue in spite of the resolution of the local bar.

Petitioner would be at liberty to approach this Court after the aforesaid time period is over.

At this stage, CRM (M) 974 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.)