

15.06.2026

Item No.43

Ct.No.35

dc.

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M. (M) 1301 of 2026

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Golabari Police Station Case No. 245 of 2014 dated 16.03.2014 under Sections 326/307 of the Indian Penal Code, 1860.

And

In Re : **Harendra Yadav**

... Petitioner.

Mr. Moyukh Mukherjee,
Mr. Amanul Islam,
Mr. Sourav Mukherjee,
Ms. Sharmistha Basak

... For the Petitioner.

Mr. L. Vishal Kumar,
Mr. Saswata Chatterjee

... For the State.

Mr. Pawan Kumar Gupta,
Ms. Sofia Nesar,
Mr. Santanu Sett

... For the *de facto* complainant.

Learned advocate appearing for the petitioner submits that the petitioner is in custody since July 2023 and only 5 witnesses till date have been examined out of the cited 13 witnesses. Petitioner as such prays for bail.

Learned advocate appearing for the *de facto* complainant opposes the prayer for bail and submits that pursuant to the directions passed in CRR 523 of 2021, the present petitioner was arrested. The case is of the year 2014 and the petitioner was evading the process of law for more than eight years. According to the *de facto* complainant, the offences complained of are heinous and the evidence which

has been deposed before the learned Trial Court do support the prosecution case.

Learned advocate appearing for the State also opposes the prayer for bail and submits that if the petitioner is released on bail, there is every chance of further abscondence. As such, the prayer for bail of the petitioner should be rejected.

I find that in CRM (DB) 3213 of 2024 the Division Bench of this Hon'ble Court was pleased to observe that there was an earlier direction on May 21, 2024 to conclude the trial within a year from date of communication of the order. It is a fact that petitioner was absconding for a considerable period of time and after continuous report being called for from the Deputy Commissioner of Police in-charge of Golabari Police Station relating to the steps being regularly taken, processes were exercised for tracing out the present petitioner. The conduct of the present petitioner do not inspire confidence. However, at the same time, 2 years 11 months have passed since the petitioner is in custody. Balancing between the period of detention and the progress of the trial, I direct the learned Trial Court to complete the evidence of the prosecution witnesses within a period of six months from the date of communication of this order. To that effect, learned Trial Court would be free to fix as many number of schedule as it deems fit and proper. The trial of the case would continue in spite of resolution of the local Bar and the Public Prosecutor in-charge of the case would

ensure that all the alamsats are present at the time the evidence is being recorded by the learned Trial Court.

In spite of cooperation of the present petitioner and/or accused person, if for other reasons the trial cannot be completed, the learned Trial Court would release the petitioner on bail after the expiry of the aforesaid schedule.

At this stage, the prayer for bail of the petitioner is **rejected.**

With the aforesaid observations, the application for bail, being CRM (M) 1301 of 2026, is 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.)