

16.06.2026

Court No.35.

D/L. 39.

Kausik

(Allowed)

CRM (M) 1359 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 Khargram Police Station Case No. 297 of 2023 dated 10.08.2023 under sections 143/341/325/326/307/302/120B of the Indian Penal Code, 1860.

And

In the matter of : Kawsar Sk & Anr.

.....Petitioners.

Mr. Sekhar Kumar Basu, Sr. Adv.
Mr. Diptangshu Basu
Mr. Sayan Das

.....for the Petitioners.

Mr. Pradip Kumar Kundu
Mr. Suman Bhanja

.....for the Defacto complainant.

Mr. Krishnendu Bhattacharya, APP
Ms. Tanusree Kar

.....for the State.

Learned Senior Advocate appearing for the petitioners submits that petitioner no. 1 is in custody for 674 days and the petitioner no. 2 is in custody for 670 days. Charges have already been framed and out of 30 witnesses cited by the prosecution till date 17 witnesses have been examined. Petitioner's prayer for bail was earlier rejected by this Court. However, similarly placed accused person has been granted bail.

Learned Additional Public Prosecutor opposes the prayer for bail and emphasizes on the heinousness of the offence. Attention of the Court is drawn to the statement of the eye witnesses under Section 183 of the BNSS and the dying declaration of the deceased which was made to the doctor. From the dying declaration of the deceased I find the name of one 'Mistur' along with the petitioner no. 1 and others. So far as the statement of the eye witness under Section 183 of the BNSS is concerned, the same names, both the petitioners along with others. Similarly placed accused persons have been granted bail.

As it reveals from the case diary, learned Additional Public Prosecutor distinguishes the locus of the present petitioners on the issue relating to recovery of the offending weapon at the instance of the present petitioners.

Having regard to the period of detention of the present petitioners as well as the fact that similarly placed accused persons have been granted bail, I am inclined to release the petitioners on bail.

Accordingly, prayer for bail of the petitioners are allowed.

Accordingly, Petitioners, namely, (1) **Kawsar Sk**, (2) **Sajjad Sk @ Tota Sk** shall furnish bond of Rs. 20,000/- (Rupees Twenty Thousand Only) with two sureties of Rs. 10,000/- (Rupees Ten Thousand Only) each, one of whom must be local to the satisfaction of Learned ACJM, Kandi.

If on bail, the petitioners shall be physically present on each and every date fixed before the learned Trial Court and shall not leave the jurisdiction of District of Murshidabad without the prior permission of the learned Trial Court.

Accordingly, CRM (M) 1359 of 2026 is **allowed**.

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.)