

30.01.2026
Serial no. 28
[G.S.D]

CRM (M) 1328 of 2025

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure, 1973/under Section 483 of the BNSS, 2023 in connection with **Baruipur PS Case No. 1766 of 2022 dated 16.11.2022 (Sessions Case No. 679 of 2023) u/s 302/201/120B of the IPC.**

-And-

In the matter of : Azad Sardar

... Petitioner(s)

Mr. Sabir Ahmed
Mr. Tasnim Ahmed
Mr. Dhiman Banerjee
Mr. Q. E. Ahmed

... for the Petitioner(s)

Mr. Partha Pratim Das
Mr. Rahul Ganguly

... for the State-respondent(s)

Learned advocate for the petitioner submits that the petitioner is in custody for three years two months and till date charges could not be framed.

Earlier, a report was submitted by the State, which reflects that the learned trial court on several dates made attempts to frame charges but for the absence of the accused and/or non-production of the accused, charges could not be framed.

It has been informed that the next date has been fixed on 2nd February, 2026.

The learned trial court would overcome the stage of consideration of charges on 2nd February, 2026 and, if somehow or the other, the same is not possible, by 6th

February, 2026, the stage of consideration of charges should be over.

In case, regular court is absent, the Court in-charge will frame the charges. No unnecessary adjournments be granted to either of the parties and the trial of the case would continue inspite of any resolution of the local Bar.

The Status Report which has been placed before this court on behalf of the investigating agency reflects that some of the lawyers empanelled with the District Legal Services Authority (DLSA) were appointed by the learned trial court, who subsequently did not participate in course of the proceedings and/or were reluctant to participate.

Having considered the same, I direct the learned trial court that if there is any non-cooperation from the empanelled advocates of the DLSA, specific directions be passed for striking down the name(s) of such advocates from the panel of the DLSA. The learned trial court would inform the Member Secretary concerned and/or the Secretary of the DLSA of the concerned district for engaging lawyers in cases of crisis.

The trial court would also ensure that the evidence of the informant of the case along with at least 10 vital witnesses is completed within the six months from 2nd February, 2026.

Having considered the totality of the circumstances, I am not inclined to enlarge the petitioner on bail at this stage.

Hence, the prayer for bail of the petitioner is **rejected**.

However, the petitioner will renew his prayer for bail after the aforesaid period is over.

Accordingly, CRM(M) 1328 of 2025 is **dismissed**.

The learned Registrar General, High Court, Calcutta, is directed to communicate this order to the learned trial court.

The learned advocate for the State would inform the learned Public Prosecutor conducting the trial as also the investigating officer of the case concerned so that server copy of this order is made available to the learned trial court on 2nd February, 2026, when the matter is taken up.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)

