

10.04.2026
Serial no. 6
[PA]

CRM (M) 1381 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.

-And-

In the matter of : Samir Halder @ Samir Kumar Halder

... Petitioner(s)

Mr. Satadru Lahiri
Mr. Amanul Islam
Mr. Sourav Mukherjee
Mr. S. Azam

... for the Petitioner(s)

Mr. Sandipan Ganguly
Mr. Saryati Datta

... for the State-respondent(s)

Mr. Sabyasachi Banerjee, Sr Adv.
Mr. Prabir Adhya
Mr. Pragya Banerjee

... for the Defacto-complainant

Learned advocate appearing for the petitioner submits that the petitioner is in custody for more than 3 years and 8 months and the prosecution in the charge-sheet has relied upon 66 witnesses, out of which 35 witnesses have been examined. There is no possibility of the trial concluding in near future as such the petitioner may be released on bail. Additionally, it has been submitted that two other absconding accused persons have been arrested on 12.07.2025 and 21.07.2025 and as such the prosecution would conduct de-novo trial for which there is no possibility of the trial being concluded in near future, as 35 witnesses are to be recalled and other witnesses in the charge-sheet are to be examined.

As such, learned advocate prays for bail on any stringent condition.

Learned Advocate for State on the other hand opposed the prayer for bail and submits that the petitioner is connected with the offence and there are overwhelming materials and prosecution case reflects that it is the petitioner who fired at the deceased, further the CCTV footage which has been collected do lead credence to the complicity of the present petitioner. Prosecution has already examined 35 witnesses and intends to examine 22 more witnesses in support of the case so far as the present petitioner is concerned. Additionally, it has been submitted that the earlier prayer for bail of the petitioner was rejected only on the ground of complicity of the petitioner and there are clinching evidence against the petitioner.

I have considered the prayer of the petitioner as well as the State and having considered that the trial of the case has progressed substantially, relying upon the judgment of the Hon'ble Supreme Court ***In Re: Speedy Trial of Undertrial Prisoners*** reported in **2018 SCC OnLine SC 3799** which is as follows:

“xi) In some cases it was seen that at the fag end of the trial, accused who was earlier absconding is produced along with supplementary chargesheet resulting in de novo trial prejudicing the accused already in custody and who has already faced the trial. If sufficient progress has already been made in the trial, de novo proceedings should not be taken in respect of the accused who was already apprehended so that

he does not suffer on account of delayed apprehension of absconding accused.”

In view of the observations of the Hon'ble Supreme Court, I am of the view that so far as the witnesses required to be examined to prove the charges against the present petitioner, the prosecution would conclude the same as early as possible, preferably by 31st of December 2026 without insisting on a de-novo trial of the other accused persons.

Liberty is granted to the petitioner to renew the prayer for bail, after time frame referred above is over.

With the aforesaid observations the bail of the petitioner at this stage in CRM (M) 1381 of 2025 is rejected.

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 of all requisite formalities.

(Tirthankar Ghosh, J.)