07.10.2025
Sl. No. 2
Court No.550
Rohan
(Allowed)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
APPELLATE SIDE

C.R.M.(M) 2321 of 2026

In Re: An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kultali Police Station Case No. 640 of 2022 dated 11.10.2022 under Sections 302/34 of the Indian Penal Code, 1860.

-And-

In the matter of: Gour Kayal

...Petitioner

Mr. Toslim Ali
Mr. Sagnik Bhattacharya

...for the Petitioner

Mr. Pawan Kumar Gupta
Mr. Sreyash Kumar Singh

... for the State

1. Report submitted by the learned advocate for the State is kept with the record.
2. Learned counsel for the petitioner has submitted that one FIR named accused has been granted bail by the Hon'ble Supreme Court whereas another accused was granted bail by this Hon'ble Court. However, the present petitioner is in custody for about 4 years. Only one witness has been examined in-part and there is no chance of conclusion of the trial at an early date. The petitioner may be enlarged on bail on any condition.
3. Learned counsel for the State vehemently opposes the prayer for bail. According to him, the delay has been caused due to the reasons of the accused persons. The learned counsel for the State has also submitted that the accused Prodip Kayal @ Pradip Kayal, who was granted bail by this Hon'ble Court, has threatened the

witnesses in connection with this case and for which, another FIR has been lodged.

4. The attention of this Court has been drawn to a report submitted by the Inspector-in-Charge, Kultali Police Station, Baruipur, South 24 Parganas.

5. I have gone through the materials on record. It appears that the petitioner is in custody for more than 4 years. Only one witness has been examined and that too in-part. There is no chance of an early conclusion of the trial. It is also relevant to mention that one of the principal accused was granted bail by the Hon'ble Apex Court on the ground of delay in trial.

6. Considering all aspects of the matter including the petitioner's fundamental right to seek speedy justice, I am inclined to allow the prayer for bail of the petitioner on certain conditions.

7. Accordingly, the application for bail of the petitioner, namely, **Gour Kayal** is **allowed**.

8. I direct the petitioner will be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of like amount each, one of whom must be a local, to the satisfaction of the learned ACJM, Baruipur. The petitioner shall appear before the trial court on each and every day of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973/Section 355 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall not leave the jurisdiction of Canning Police Station except for the purpose of attending Court and shall meet the

Inspector-in-Charge of the Canning Police Station twice in a week until further order of the learned Trial Court and shall not enter the jurisdiction of Kultali Police Station in any event without prior permission of the learned Trial Court.

9. In the event, the petitioner fails to comply with any of the conditions as stated above, the learned Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.
10. Thus, the application for bail being **C.R.M. (M) 2321** of **2026** stands **disposed of**.
11. All parties shall act on the server copy of this order duly downloaded from the official website of this Hon'ble Court.
12. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance with all requisite formalities.

(Apurba Sinha Ray, J.)