08.10.2026
Sl. No. 15
Court No.550
Rohan
(Allowed)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
APPELLATE SIDE

C.R.M.(M) 2333 of 2026

In Re: An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Palashipara Police Station Case No. 209 of 2024 dated 29.04.2024 under Sections 302/34 of the Indian Penal Code, 1860.

-And-

In the matter of: Habibul Sk

...Petitioner

Mr. Mobaidur Hossain
Mr. Tushar Shil

...for the Petitioner

Mr. Aniruddha Bhattacharyya
Mr. Rajesh Kumar Shah

... for the State

1. Report submitted by the learned counsel for the State is kept with the record.

2. Learned counsel for the petitioner has submitted that the petitioner is in custody for more than 2 years 4 months and out of 19 witnesses, only 1 witness has been examined. There is no chance of an early conclusion of the trial. The case is based purely on circumstantial evidence. Nothing has been recovered from the present petitioner. The evidence of P.W. 1 does not inspire confidence. The learned counsel has also drawn the attention of this Court to the order dated 5th February, 2026 passed in CRM (M) 2243 of 2026, whereby, the petitioner was given liberty to renew his prayer for bail after examination of

P.W.1 is over. Learned counsel has further pointed out that the evidence of P.W. 1 is complied in the meantime.

3. Learned counsel for the State vehemently opposes the prayer for bail. According to him, there are sufficient incriminating evidence against the petitioner. He has drawn the attention of the Court to the statements of the witnesses recorded under Sections 161 and 164 of the Cr.P.C.

4. I have gone through the materials on record. It appears that the petitioner is in custody for more than 2 years 4 months. Only one witness out of 19 charge-sheet witnesses had been examined. There is no chance of an early conclusion of the trial. The case is based on circumstantial evidence. There is no eye-witness who saw the accused to commit the crime. However, considering his period of detention and also taking into consideration that charge-sheet was filed on 29th August, 2024 and charge was framed on 11th February, 2026, I find that the prosecution is absolutely responsible for causing delay in the trial.

5. In view of the above, the application for bail of the petitioner, namely, **Habibul Sk** is **allowed**.

6. 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 Additional Sessions Judge, Tehatta, Nadia. 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 enter the jurisdiction of Palashipara Police Station and shall remain within the district of Nadia, except for the purpose of attending Court and shall meet the Inspector-in-Charge of the local Jurisdictional Police Station once in a week until further order of the learned Trial Court and shall inform his address to the learned Trial Court where he would be residing.

7. 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.
8. Thus, the application for bail being **C.R.M. (M) 2333** of **2026** stands **disposed of**.
9. All parties shall act on the server copy of this order duly downloaded from the official website of this Hon'ble Court.
10. 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.)