07.10.2026
Sl. No. 10
Court No.550
Rohan
(Allowed)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
APPELLATE SIDE

C.R.M.(M) 2336 of 2026

In Re: An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Pukhuria Police Station Case No. 268 of 2024 dated 30.05.2024 for the offences punishable under Sections 498A/304(B)/302 of the Indian Penal Code, 1860.

-And-

In the matter of: Asraful Hoque

...Petitioner

Mr. Jaydeep Biswas
Mr. Amanul Islam
Mr. Arup Sarkar
Mr. Sourav Mukherjee

...for the Petitioner

Ms. Arushi Rathore
Ms. T. Sengupta

...for the State

1. Learned counsel for the petitioner has submitted that petitioner is in custody for more than 2 years 5 months. Charge-sheet was submitted on 23rd August, 2024 and the charge was framed on 23rd February, 2025. Although the trial commenced, only one witness has been examined in-part out of 26 witnesses. There is no chance of an early conclusion of the trial. The petitioner's fundamental right to get speedy justice is violated.

2. Learned counsel for the State has opposed the prayer for bail. According to her, there are incriminating materials showing that it is the petitioner who committed the heinous crime against his

wife. The offending weapon was recovered from his possession. However, she has fairly submitted that there was a delay on the part of the prosecution, however, if one chance is given, then the prosecution will complete the recording of prosecution witnesses.

3. I have found that there are sufficient incriminating materials against the present petitioner, however, it is beyond apprehension of this Court that how and when the prosecution evidence will be completed, particularly when the charge-sheet was submitted on 23rd August, 2024 and charge was framed on 23rd February, 2025 and thereafter, only one witness that too was examined in-part. I find that the prosecution did not care for the expeditious trial of the case. In view of the several judgments of the Hon'ble Apex Court which suggests that fundamental right of speedy justice cannot be kept aside at the time of considering the bail prayer under Section 483 of the BNSS, I am inclined to allow the prayer for bail of the petitioner.

4. As there is clear violation of such fundamental right of the petitioner, I am constrained to grant him bail, although, it is clear that there are sufficient incriminating materials on record and it is only due to sheer fault on the part of the prosecution, I am unable to keep him in custody any further.

5. Accordingly, the prayer for bail of the petitioner, namely, **Asraful Hoque** 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 ACJM, Chanchal, Malda. 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 Pukhuria Police Station except for the purpose of attending Court and shall meet the Inspector-in-Charge of the Pukhuria Police Station once in a week until further order of the learned Trial Court.

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. With the aforesaid observation, **CRM (M) 2336 of 2026** is **disposed of**.

9. All parties shall act in terms of the server copy of the order downloaded from the official website of this Court.

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

(Apurba Sinha Ray, J.)