

09.04.2026
Court No.35.
D/L. 16,17,18,
19 & 20.
Kausik

CRM (M) 1946 of 2025

In Re: An Application for Bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023/ Section 439 of the Code of
Criminal Procedure, 1973 in connection with Narkeldanga Police
Station Case No. 124 of 2021 dated 02.05.2021 under Sections
307/34 of the Indian Penal Code, 1860 and Narkeldanga Police
Station Case No. 126 of 2021 dated 03.05.2021 under Sections
341/323/506/34 of the Indian Penal Code, 1860.

And

In the matter of : Sufal Bose @ Rana & Anr.

.....Petitioners.

With

CRM (DB) 788 of 2025

In the matter of : Biswajit Sarkar

.....Petitioner.

With

CRM (M) 1446 of 2025

With

CRM (M) 1455 of 2025

With

CRM (M) 1625 of 2025

Mr. Sourav Chatterjee, Sr. Adv.
Mr. Soumya Kr. Nag
Mr. Sourav Mondal
Mr. Arijit Bhuiya
Mr. Rony Mondal
Mr. Debarghyo Sil

.....for the Petitioners (in CRM 1946 of 2025).

Mr. Moyukh Mukherjee
Ms. Sagnika Banerjee

**....for the Defacto Complainant (in
CRM 1946 of 2025) and for the Petitioner in CRM
(M) 788 of 2025, CRM (M) 1446 of 2025, CRM (M)
1455 of 2025, CRM (M) 1625 of 2025.**

Mr. Sujan Chatterjee
 Mr. Rohan Bavishi
for the Respondent nos. 4,5 & 6 in CRM
 (M) 1446 of 2025.

Mr. Arindam Sen
 Mr. Saurav Basu
 Mr. Asit Bera
 Mr. Sumik Biswas

....for the Respondent Nos. 2 & 3 (in CRM (M)
 1446 of 2025)

Md. Shakir

...for the Respondent No. 7 (in CRM (M)
 1446 of 2025)

Mr. Santanu Deb Roy
 Mr. Satya Prokash Shaw

...for the O.P. No. 2 (in CRM (M) 1455 of 2025).

Mr. Dhiraj Trivedi, Sr. Adv.
 Mr. Amajit De, Special PP, CBI

.....for the CBI.

In Re :- CRM (DB) 788 of 2025

Let this be detagged from rest of the applications and be listed under the heading 'Cancellation of Bail' in the monthly list of May, 2026.

In Re :- CRM (M) 1946 of 2025

Learned Senior Advocate appearing for the petitioner submits that petitioners and one Rahul Dey are on similar footing and the prayer for bail of Rahul Dey was granted by the Co-ordinate Bench and the said order was challenged before the Hon'ble Supreme Court which was subsequently not pressed.

It has been also contended that the petitioner is in custody for 4 years and 9 months and out of 42 witnesses, only 2 witnesses have been examined in-chief till date while the cross-examination is still pending. There is no scope of the trial being taken to its logical conclusion within reasonable period of time and the earlier assurance, advanced by the Learned DSG, to conclude the trial within a specified period, has been flouted.

Learned advocate for the CBI opposes the prayer for bail.

Learned advocate for the defacto complainant also opposes the prayer for bail and submits that the present case relate to post-poll violence.

A report has been submitted before this Court elaborating the role of the present petitioners which reflects that the deceased was assaulted to death only because of his political association. There are 38 accused persons in the present case. Naturally, the complexity in the Trial Court proceedings, is because of number of accused persons by itself, which will consume time.

The report reflects that the petitioner along with others vandalized the home of the deceased, assaulted him with bricks, stone and bamboo and ensured that the victim's life is at peril. The records reflect that the investigation of the case commenced in the year 2021 and the last of the supplementary charge sheet has been submitted in the year 2025. The case was transferred to the CBI from the State agencies and from

time to time the reports were submitted before the jurisdictional Court. The petitioner has earlier approached this Court for bail but could not succeed.

Having considered that the brother/son of the defacto-complainant's life was taken away because of alleged political animosity and the evidence in this case have overtones of political vengeance which was of such aggravated nature that the life of a sympathizer of another political party was taken away, the merits of the case becomes very relevant and cannot only be restricted to the period of detention or the issues relating to parity.

However, at the same time, I am of the opinion that the prosecution, cannot for indefinite period, keep a person behind the bars. As such, the prosecution would put in efforts to examine all the vulnerable witnesses within a period of next 6 months. It has been submitted that there would be around 15 to 18 vulnerable witnesses out of the 44 witnesses which the prosecution proposes to examine. If within the aforesaid 6 months, in spite of efforts of the prosecution, the vulnerable witnesses are not completed, petitioner would be at liberty to approach this Court with a fresh prayer for bail.

With the aforesaid observations CRM (M) 1946 of 2025 is dismissed at this stage.

The parties are directed to communicate this order within a week from date so that from the next date, the Court will fix a schedule according to its calendar. It is further

directed no unnecessary adjournment be granted to any of the parties and the learned Trial Court would ensure that if a witness is present in Court, without the evidence being completed, the said witness should not return. The trial of the case would continue in spite of any resolution of the local bar.

Report submitted by the CBI be kept with the record.

**In Re :- CRM (M) 1446/2025, CRM (M) 1455/2025,
CRM (M) 1625/2025**

So far as CRM (M) 1446 of 2025, CRM (M) 1455 of 2025 and CRM (M) 1625 of 2025 is concerned, the defacto complainant has prayed for cancellation of the bail on separate grounds for each of the accused persons. 3 of the accused persons appeared before the learned Trial Court pursuant to summons being issued and their names surfaced in supplementary charge sheet on 30th June, 2025.

Having considered that the parameters for granting bail and parameters of cancellation of bail are completely different, but having regard to the facts of the present case which have immense effect on the issues relating to political animosity and political vengeance, I direct that the accused persons should be physically present on each and every date before the learned Trial Court and will not disrupt the progress of the trial.

In case, any of the accused persons on any grounds before the learned Trial Court create circumstances which deters the learned Trial Court from progressing with the trial or

unnecessarily stretching the trial to the detriment of the accused persons who are in custody, the learned Trial Court would be at liberty to cancel the bail without further reference to this Court.

The directions which have been passed in CRM (M)1946 of 2025 for examination of the vulnerable witnesses within a specified period of time, under no circumstances be allowed to be violated by the present accused persons.

With the aforesaid observations CRM (M) 1446 of 2025, CRM (M) 1455 of 2025 and CRM (M) 1625 of 2025 is disposed of.

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 with all requisite formalities.

(Tirthankar Ghosh, J.)