

09.02.2026

Item No.41

Ct.No.35

dc.

Rejected

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

C.R.M. (M) 2040 of 2025

In Re : An Application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Metiabruze Police Station Case No. 162 of 2024 dated 19.10.2024 under Sections 103(1)/238/61(2) of the Bharatiya Nyaya Sanhita, 2023.

And

In Re : **Ejaz Khan @ Md. Ezaaz Khan @ Ejaz Khan**

... Petitioner.

Mr. Mayukh Mukherjee,
Mr. Md. Aqib Badr,
Mr. Shakti Shivam,
Mr. Parvej Islam

... For the Petitioner.

Mrs. Z. N. Khan,
Mr. Sobhan Gani

... For the State.

Learned advocate appearing for the petitioner submits that the petitioner is innocent of the charges and has been falsely implicated in connection with the instant case. Petitioner is in custody for 1 year 3 months and presently, witness action is progressing. Learned advocate submits that so far as the complicity of the present petitioner is concerned, the same is vague, case is based on circumstantial evidence and there are no overwhelming materials to further detain the present petitioner.

Learned advocate appearing for the State, on the other hand, opposes the prayer for bail and draws the attention of the Court to the factum of initially derailing the investigation. There are materials so far as CCTV footages are concerned wherefrom it is seen that the deceased along with the two accused persons entered near the riverside

bank, but it has been reflected that only two of the accused persons were coming out and the deceased was not available. So far as the *post mortem* report is concerned, there are multiple injuries on the person of the deceased. Initially the family of the petitioner tried to establish contact and take information regarding the whereabouts of the deceased from the present petitioner who allegedly gave evasive replies, but subsequently the other accused viz. Md. Raju divulged the same.

Be that as it may, so far as the issue relating to last seen theory is concerned, *prima facie*, I am of the view that the prosecution, at this stage when the evidence is in progress, has been able to tilt the case in their favour. The nature and gravity of the offence is serious. Consequently, I am not inclined to release the petitioner on bail. As such, the prayer for bail of the petitioner is **rejected**.

Case diary be returned to learned advocate appearing for the State.

The application for bail, being CRM (M) 2040 of 2025, is, thus, dismissed.

All concerned parties shall act on the server copy of this order duly 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.)