

17.02.2026

Item No.10

Ct.No.35

dc.

Rejected

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

C.R.M. (M) 2047 of 2025

In Re : An Application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Lake Police Station Case No. 171 of 2017 dated 27.07.2017 under Sections 394/397 of the Indian Penal Code, 1860 read with Sections 25/27 of the Arms Act, 1959.

And

In Re : **Lisham Ibungotomba Singh**

... Petitioner.

Ms. Jhuma Sen,
Mr. Samsul Laskar,
Ms. Swastika Chatterjee,
Ms. Asthita Dutta Majumder,
Ms. Rajashree Saha

... For the Petitioner.

Ms. Zareen N. Khan,
Ms. Puspita Saha

... For the State.

Learned advocate appearing for the petitioner has placed chronological list of events to demonstrate that delay in the present case was not contributed at the behest of the present petitioner. Learned advocate claims that petitioner is in custody for 8 years 3 months and on majority of the occasion, it was a systematic delay or delay contributed by the State authorities.

Learned advocate appearing for the State, on the other hand, has placed a report which reflects as follows :

- i) Accused was not produced on 45 dates;
- ii) Presiding Officer was on leave or transferred on 14 dates;

- iii) Public Prosecutor prayed for time/deferred on one occasion;
- iv) Defence counsel prayed for time/deferred due to absence of defence counsel on 8 occasions;
- v) Adjourned due to Bar resolution on 3 occasions and
- vi) Number of dates witness examined is on 13 occasions.

It has also been submitted on behalf of the State that six witnesses have already been examined and prosecution intends to examine 15 more witnesses.

The genesis of the present case goes back to the statement of one Susanto Roy who complained that from his showroom, styled as Chandrani Jewellers, his employees were overpowered by certain miscreants at the point of arms, assaulted with fists and blows, they were silenced and were forced to sit at the right end of the showroom. The showroom was guarded by one of the accused persons and all the jewellerys which were in the display boxes were taken away by the accused persons. It has been complained that at the relevant point of time 752.100 grams of gold jewellerys were taken away and the value of the same was Rs.21,66,048/-.

The report submitted by the State and the documents available on records also show that the present petitioner was also involved in connection with Siliguri P.S. Case No. 652 dated 08.09.2017 and Bhagagarh P.S. Case No. 80 dated 09.05.2017. The said group was traced by Anti-Dacoity Section of the Detective Department, Lalbazar, Kolkata Police. However, it is a fact that the petitioner was

arrested in the year 2017 and till date only six witnesses have been examined. On the other hand, major time has also been consumed in the cases involved at Siliguri and that at Bhagagarh, Guwahati, Assam. Petitioner has already been convicted and sentenced in connection with Siliguri P.S. Case No. 652 dated 08.09.2017.

Learned advocate for the petitioner submits that petitioner has been granted bail pending appeal in connection with Siliguri P.S. Case No. 652 dated 08.09.2017, but learned advocate is unable to apprise this Court so far as the case at Bhagagarh, Guwahati, Assam is concerned, although she admits that the petitioner is an accused in the said case at Assam.

I have taken into account the overall circumstances of the case, antecedents of the present petitioner and the manner in which the offence was committed, but at the same time, it is also the duty of the agency to ensure that the trial progresses. Having considered the nature in which the offences were committed by the accused persons and the fact that earlier one of the co-accused preferred application for bail before the Hon'ble Supreme Court in Special Leave to Appeal (Crl.) No(s). 3916/2025 which was rejected on 01.04.2025, I am of the opinion that it would not be fit and proper to release the petitioner on bail as already the petitioner has been convicted in one of the cases.

So far as the present case is concerned, there are few more witnesses to be examined which include only one eyewitness and number of seizure list witnesses concerned

and rest of the witnesses are all belonging to the government department. Having considered the same, I direct the learned Trial Court to conclude the trial within 31st December, 2026.

At this stage, prayer for bail of the petitioner on the ground of delay cannot be accepted. As such, the prayer for bail of the petitioner is **rejected**.

The application for bail, being CRM (M) 2047 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.)