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01.04.2026
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Dismissed

C.R.M. (M) 2058 of 2025

In Re: An application for bail under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 filed in connection with Mothabari Police Station Case No.395 of 2024 dated 12.07.2024 under Sections 329(3)/118(2)/103(1)/3(5) of the Bharatiya Nyaya Sanhita, 2023 and charge-sheet submitted under Sections 329(3)/118(2)/109/103(1)/3(5) of the Bharatiya Nyaya Sanhita, 2023;

Najira Khatun @ Nazira Khatun & Ors.
Versus
The State of West Bengal

Mr. Sekhar Kumar Basu
Mr. Narattam Acharyya.
...for the petitioners.

Mr. Madhusudan Sur
Mr. Manoranjan Mahata.
...for the State

Mr. Jewel Chanda
Ms. Rumki Guha
Mr. Golam Saroar.
...for the de facto complainant.

Mr. Basu, learned senior advocate, appears on behalf of the petitioners.

This bail application has been taken up out of turn pursuant to the direction passed by the Hon'ble Supreme Court in Special Leave to Appeal (Crl.)5374 of 2026.

The records of the case reflect that on 16.10.2025 an accommodation was prayed for on behalf of the learned advocate when the bail application was referred to the Regular Bench. On 26.11.2025 none appeared for the petitioners, as such, the bail application was directed to be listed in the monthly list of

December, 2025. Again, on 28.01.2026 none appeared for the petitioners, as such, the bail application was “dismissed for default”. Subsequently, an application was taken out for restoration. On 13.02.2026 the bail application was restored to its original file and number. Thereafter, the bail application was taken up on 06.03.2026 when a supplementary affidavit was filed on behalf of the petitioners and date was fixed on 27th March, 2026. Records reflect that the bail application was called on several occasions. However, a different picture was portrayed before the Hon’ble Supreme Court by the petitioners which prompted this Court pursuant to the direction passed for taking up the bail application out of turn.

Learned senior advocate appearing for the petitioners relied upon the examination-in-chief of all the seven witnesses who have been tendered by the prosecution. In the examination-in-chief of all the witnesses I find that the three ladies who are in custody at the direction of the petitioner no.4, namely, Nazir Hossain brought out “hansua” which was a sharp cutting weapon and the same was handed over to the three brothers, namely, Nazir Hossain, Muntan Sk. and Iftikar Ahammed @ Titu.

Considering the present bail application, I do not intend to enter into the merits. Further as petitioners have preferred an application under Section 254 of the BNSS for cross-examination at a stretch of all the witnesses concerned and the time limit has been fixed by the Hon’ble Supreme Court, further adjourning the bail application is not possible for this Court. So far as the earlier

rejection is concerned in CRM(DB)964 of 2025 the issue relating to handing over of the “hansua” to the male folk including the petitioner no.4 was the prime consideration for rejection of the prayer for bail.

Petitioners are in custody for more than 1 year 8 months. The trial of the case is in progress. At this stage, I am of the opinion that there is no change of circumstances from the order dated 26.08.2025. The evidence of the vital witnesses being the eyewitnesses are in progress, as such, I am of the view that after the cross-examination of all these witnesses are over, petitioners would be at liberty to approach this Court.

Learned senior advocate for the petitioners emphasizes the state of health of the petitioner nos.1 to 3.

Having regard to the stage of the case, I direct that on such ground, at this stage, it will not be possible for this Court to grant bail. However, if any medical aid is required, the same be brought to the notice of the learned trial court for passing appropriate directions upon the jail authorities.

In view of the directions passed above, the present bail application being CRM(M)2058 of 2025 is dismissed.

All 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 of all requisite formalities.

(Tirthankar Ghosh, J.)

