

06.05.2026
Serial no. 3-4
[G.S.D]

CRM (M) 612 of 2026

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/under Section 483 of the BNSS, 2023 in connection with Titagarh PS Case No. 548 of 2020 dated 05.10.2020 u/s 302/120B/34/313/201 of the IPC and Sections 25/27 of the Arms Act, corresponding to GR No. 5773 of 2020 [ST No. 01(09) 2024 SC No. 46 of 2021].

-And-

In the matter of : Raja Roy

WITH

CRM (M) 2289 of 2025

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/under Section 483 of the BNSS, 2023 in connection with Titagarh PS Case No. 548 of 2020 dated 05.10.2020 u/s 302/201/212/120B/34 of the IPC and Sections 25(1B)(a) of the Arms Act, corresponding to GR No. 5773 of 2020 [ST No. 01(09) 2024 SC No. 46 of 2021].

-And-

**In the matter of : Raushan Kumar Yadav @ Tatiya @
Roshan Kumar Yadav @ Rosham Kumar Yadav**

... Petitioner(s)

Mr. Debasis Kar
Ms. Paramita Mukherjee
Ms. S. Parveen

... for the Petitioner(s) in CRM(M) 612/26

Mr. Mayukh Mukherjee
Ms. Priyanka Sukla
Ms. Sweta Singh
Mr. Gunjan Kr. Singh

... for the defacto-complainant(s)

Mr. Angshuman Chakraborty
Mr. S. S. Saha

... for the petitioner(s) in CRM(M) 2289/25

Petitioners in both the bail applications are in custody for more than five years and have prayed for bail on the ground that there is no possibility of the trial being

concluded in the near future, as, till date, only two witnesses have been completed. The evidence of the three witnesses is in progress.

The investigating officer of the case is present with the case diary along with Memorandum of Evidence.

Learned advocate for the defacto-complainant is present.

The records of the case reflect that the investigation of the case continued for a substantial period of time and last of the charge-sheet was submitted on September, 2025. In respect of the earlier charge-sheets, charge was framed in the year 2024. The records also reflect that the defacto-complainant filed some applications being aggrieved by some part of the investigation. On the other hand, the co-accused persons who are on bail also sought for time on several grounds.

The records also speak that the petitioners have criminal antecedents. However, so far as the merits of the present cases are concerned, the same relates to heinous offence having been committed and the manner where collection of evidence by the investigating officer consumed substantial time.

However, once delay has been identified, the onus upon the prosecution completely shifts to progress with the trial.

Having considered the heinousness of the offence, I am not inclined to release the petitioners on bail.

Hence, the prayer for bail of the petitioners namely, **[Raja Roy and Raushan Kumar Yadav @ Tatiya @ Roshan Kumar Yadav @ Rosham Kumar Yadav]** is **Rejected**.

The learned trial court is directed to complete all the vulnerable witnesses within a period of six months from the next date fixed.

The prosecution is directed to ensure that the witnesses are present on the respective dates fixed by the learned trial court. To that effect, if required, the investigating officer of the case will take steps for availability of the witnesses on the date fixed. The learned trial court will try to complete the examination-in-chief and cross-examination of the witness who would be present in court on the same date until for compelling reasons the court considers another date is necessary for appearance of such witness concerned.

Accordingly, CRM (M) 612 of 2026 and CRM (M) 2289 of 2025 is **dismissed**.

The petitioners will renew their prayer for bail after the aforesaid time period is over.

The Memo of Evidence submitted by the Investigating Officer of the case be kept with the record.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

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

(Tirthankar Ghosh, J.)