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21.04.2026

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Allowed

C.R.M. (M) 2643 of 2025

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure 1973 read with Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 filed in connection with Joynagar Police Station Case No.945 of 2018 dated 28.09.2018 and subsequently charge-sheet submitted under Sections 302/34 of the Indian Penal Code and under Section 25/27 of the Arms Act;

Sahabuddin Molla
Versus
The State of West Bengal

Mr. Aritra Ghosh.
...for the petitioner.

Mr. Sanjay Bardhan
Mr. Rajes Jana.
...for the State.

Petitioner was arrested on 29.12.2018 and since then he is in custody. The records of the case reflect that 10 witnesses have been examined and other witnesses are yet to be examined. Repeatedly the accused persons have been praying for bail and some of the accused persons have been released on bail while the bail prayer of the petitioner was rejected.

Learned advocate for the State submits that the delay in trial is because one of the accused person being produced after the evidence of 10 witnesses were completed and de no trial had to be commenced. Till date there has been no progress and the same was in the year 2024. More than 1 year 6 months have passed and the stage remains that 10 more witnesses are yet to be examined.

In the meantime, on 07.03.2025 in CRM(DB)153 of 2025

an accused of the case was granted bail on the ground that there is no possibility of the trial being taken to its logical conclusion within a reasonable period of time.

Mr. Bardhan, learned advocate appearing for the State emphasizes that the petitioner has an antecedent of the year 2016 and the incriminating weapon which was used in the offence was recovered on the leading statement of the present petitioner.

If the petitioner has committed a heinous offence, the onerous responsibility of the State is to grant justice to the society. Bail is a condition to ensure the future appearance of the accused in course of trial. The satisfaction of the prosecution to have a taste of pretrial conviction can never be the moto of the criminal proceedings. For time immemorial accused cannot be kept behind the bars. The clog in the criminal courts cannot be solely attributed to the accused only when in specific cases the prosecution is overzealous in taking the trial to its logical conclusion while in some cases prosecution considers the detention as a matter of course.

Having regard to the conduct of the prosecution as well as the systematic delay which has occasioned in this case for which the petitioner is lying behind the bars for more than seven years, I am inclined to release the petitioner on bail.

Accordingly, the prayer for bail of the petitioner is allowed. The petitioner, namely, Sahabuddin Molla shall be released on bail upon furnishing bond of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties of Rs.10,000/- each, one of whom must be local to the satisfaction of the learned trial court.

The learned trial court will impose the conditions and the quantum of bond for ensuring further appearance of the accused during the future dates proposed to be fixed by the learned trial court.

With the aforesaid observations, CRM(M) 2643 of 2025 is allowed.

Report submitted by the State be kept with the record.

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.)