

20.01.2026
Court No.35.
D/L. 01.
Rakib
(rejected)

CRM (M) 2660 of 2025

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kolkata Leather Complex Police Station case no. 109 of 2021 dated 15.10.2021 under Sections 302/201/34 of the Indian Penal Code.

And

In the matter of : Saidul Sk. @ Chottu @ Saidul Sekh.

.....Petitioner.

Mr. Avik Ghatak
Mr. Neil Basu
Mr. Soham De Dhara
Mr. Sankha Biswas
Ms. Oindrilla Sarkar

.....for the Petitioner.

Mr. Antarikshya Basu
Mr. Aritra Bhattacharya

.....for the State.

Mr. Sofiul Islam Mondal

.....for the de-facto complainant.

Learned advocate appearing for the petitioner on the earlier occasion prayed for bail on the ground that only one witness in part out of 39 witnesses has been examined. Earlier a direction was passed as a frustration was even expressed by the investigating officer of the case as also by the de-facto complainant. The present petitioner earlier applied for bail in CRM (DB) 2664 of 2022 and the Hon'ble Division Bench observed as follows:

“We have considered the materials on record. Confessional statement of co-accused implicates the petitioner. We are conscious such evidence is a weak one and at its height may be used for corroboration. Other materials on record show petitioner had illicit relationship with co-accused Muslima Bibi. He had telephonic conversations with her

during the day of the incident. He was seen near the place of occurrence at night. These circumstances corroborate the confessional statement of the co-accused and implicate the petitioner in the murder.”

The record of the case reflects that even when witnesses were present the Public Prosecutor was reluctant to conduct the case. There were time which has been consumed for repeated bail application being filed before the learned trial Court.

The State has changed the learned advocate pursuant to the earlier direction passed on 02.01.2026. Some time is to be afforded to the State to conduct the trial in a manner adhering to the provision of Section 309 of the Code of Criminal Procedure.

Balancing the factors between the gravity of the offence and the time which has been already been lost for which the petitioner is in custody, I am of the view that some more time should be afforded to the State to present at least the vulnerable witnesses connected in connection with the instant case. Six months time is granted for substantial progress in the case, how the trial would proceed and within the schedule and framework of the Court how the evidence is to be recorded would be sole discretion of the learned trial Court.

None of the parties should be allowed to take adjournments in the instant case keeping in mind that the petitioner is in custody for four years two months.

At this stage CRM (M) 2660 of 2025 is **dismissed**.

Report submitted by the Legal Remembrancer, Govt. of West Bengal dated 15.01.2026 be kept with the record.

The learned Registrar General, High Court at Calcutta is directed to communicate this order to the learned trial Court.

All parties shall act in terms of server copy of the order 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.)