

21.04.2026
Court No.35.
D/L.88.
Rakib
(Rejected)

CRM (M) 2654 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 Berhampore Police Station case no. 1596 of 2024 dated 16.10.2024 under Sections 103(1)/3(5) of the Bharatiya Nyaya Sanhita, 2023 read with Sections 25/27 of the Arms Act.

And

In the matter of : Akash Dutta.

.....Petitioner.

Mr. Milon Mukherjee, Sr. Adv,
Mr. Smartajit Sarkar

.....for the Petitioner.

Ms. Faria Hossain
Mr. Ahamed Siddique

.....for the State.

Mr. Joydepp Biswas
Mr. Tapodip Gupta
Mr. Suman Bhanja
Mr. Golam Ahammed

.....for the injured.

Learned senior advocate appearing for the petitioner submits that petitioner is in custody since 31st of October, 2024 and the case has been committed to the Court of Sessions and charges have already been framed, witness action is about to commence. It has been submitted on behalf of the petitioner that he has been falsely implicated in the case. There are no direct evidence so far as the present petitioner is concerned and petitioner has been victimized and the materials which have been placed by the investigating agency in support of the case do not inspire confidence, so far as the complicity of the present petitioner in the offence is concerned. Additionally, it has been submitted that the prosecution has relied upon 50 witnesses in support of its case. As such there is no

possibility of the trial concluding in near future, consequently, petitioner be released on bail.

Learned advocate for the State opposes the prayer for bail and submits there are witnesses who in close proximity of time have seen the present petitioner. The Case Diary also reflects that seizure of the offending weapon was from the room of this petitioner.

Learned advocate appearing for one of the victim/injured opposes the prayer for bail.

I have taken into account the stage of the case when the evidence is about to commence. Learned advocate for the State has submitted that there are about five vulnerable witnesses whom they intend to examine.

Accordingly, the learned trial Court is directed to give priority to the list of five witnesses whom the prosecution considers to be vulnerable.

At this stage, prayer for bail of the petitioner in CRM (M) 2654 of 2025 is **rejected**.

Petitioner would be at liberty to renew his prayer for bail after the evidence of the five vulnerable witnesses are over.

Learned trial Court would ensure that such witnesses are examined within a period of four months from the next date fixed before 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.)