

27.01.2026

Item No.36

Ct.No.35

dc.

Rejected

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

C.R.M. (M) 46 of 2026

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Gangarampur Police Station Case No. 99 of 2023 dated 15.03.2023 under Sections 341/325/302/506/34 of the Indian Penal Code.

And

In Re : **Kamalesh Murmu**

... Petitioner.

Mr. Aniruddha Bhattacharyya,
Mr. Uttam Mukherjee

... For the Petitioner.

Ms. Kanchan Roy

... For the State.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for more than 2 years 9 months and till date only 8 witnesses have been examined out of 33 witnesses proposed to be examined by the prosecution. There is no possibility of the trial concluding in near future and the delay in the present case cannot be attributed to the accused person.

Learned advocate appearing for the State, on the other hand, opposes the prayer for bail and submits that till date, the cross-examination of the witnesses has not been done as prayer was advanced under Section 231(2) of the Code of Criminal Procedure.

I have taken into account the fact of the case which is being tried for allegations relating to rape and murder of a lady. Since the consequences, if proved, are imprisonment

for life or death, in such circumstances only on the grounds of delay, I am not inclined to release the petitioner on bail at this stage. As such, the prayer for bail of the petitioner is **rejected**.

However, the learned Trial Court is directed to expedite the process by fixing one schedule of three dates in a month and not to grant any adjournment to any of the parties, proceed with the trial in spite of any resolution of the local Bar and progress with the case for taking the same to its logical conclusion.

The application for bail, being CRM (M) 46 of 2026, is, thus, disposed of.

All concerned 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 with all requisite formalities.

(Tirthankar Ghosh, J.)