

4.
06-01-2026
(ct. no.04)
debajyoti
(rejected)

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
CRIMINAL MISCELLANEOUS JURISDICTION
Appellate Side

CRM (M) 367 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Malbazar Police Station Case No.458 of 2024 dated 05-08-2024 under Sections 103(1)/61(2) of the Bharatiya Nyaya Sanhita, 2023.

- A n d -

In the matter of : Munni Khatun @ Munni Khatoon
.... Petitioner.

Mr. Sudip Guha, Adv.,
Mr. Ananda Paul, Adv.,
Mr. Sandip Guha Roy, Adv.,
Ms. Ankita Nag, Adv.

... For the Petitioner.

Mr. Ujjwal Luksom, Adv.

... For the State.

Dr. Arjun Chowdhury, Adv.,
Ms. Riya Agarwal, Adv.

... For the defacto complainant.

1. It is submitted by the learned advocate appearing on behalf of the petitioner that the petitioner is languishing behind the bars for more than 500 days and on previous occasion, her bail prayer was turned down and lastly in the month of February, 2025. There is no direct involvement of the present petitioner in the instant case and the entire case depends on the circumstantial evidence. That apart, the co-accused who are similarly circumstanced of the present petitioner have been granted anticipatory bail. The charge has not yet been framed and there is remote possibility of an early conclusion of the trial. Accordingly, he prays for bail.

2. Learned advocates for the State and the defacto complainant raise strong objection. It is submitted that the persons who are on bail have threatened the present defacto

complainant and a complaint was registered at the interference of a coordinate Bench of this Court and, accordingly, a case has been started. A report filed by the State is taken on record which *prima facie* shows that on completion of investigation, charge sheet being no.378 of 2025 dated 31st August, 2025 has been filed under Sections 126(2)/351(3) of the BNS in connection with Malbazar Police Station Case No.239 of 2025 dated 19th May, 2025. It is submitted that the trial has been delayed at the instance of the accused persons because of the prayer for adjournment on repeated occasions.

3. Having heard the learned advocates for the parties and on careful perusal of the materials on record as well as the Case Diary and the facts and circumstances of the case, it goes without saying that the matter pertains to serious accusation in connection with murder of two persons. The offence is heinous in nature. There may not be any specific role attributed directly by the petitioner, but in the Case Diary, certain incriminating material is there against the present petitioner. The ground of delay in disposal of the trial cannot itself be a ground to allow the prayer in respect of commission of a heinous offence and more so, when attempts are being made at the instance of the accused persons to delay the trial on repeated occasions.

4. Therefore, in view of the above, this Court does not find any reason to allow the prayer of the petitioner for bail.

5. The application for bail is, thus, **rejected**.

6. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

7. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

[Chaitali Chatterjee (Das), J.]