

09.09.2026

Court No.35.

D/L. 175.

Kausik

(Rejected)

CRM (M) 1793 of 2026

In Re: An Application for Bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023/ Section 439 of the Code of
Criminal Procedure, 1973 in connection with Ghatal Police
Station Case No. 118 of 2017 dated 16.06.2017 under sections
448/436/302/120B/506/34 of the Indian Penal Code, 1860.

And

In the matter of : Sk Fariduddin @ Farid @ Sk Farid Uddin

.....Petitioner.

Mr. Arindam Jana
Mr. B. Roy
Mr. Sudipta Dasgupta

....for the Petitioner.

Mr. Kallol Mondal, PP
Mr. Amal Kr. Dutta
Mr. Shivam Mishra

....for the State.

Learned advocate appearing for the petitioner submits
that petitioner was initially arrested and was in custody for 6
months. Thereafter his bail was subject matter of challenge and
cancelled. There were subsequent litigations also which went
up to Supreme Court relating to the issue of bail. However, the
petitioner surrendered and is in custody thereafter for 2 years
and 6 months.

Learned advocate for the petitioner submits that
pursuant to the earlier direction 10 witnesses out of 29
witnesses have been examined till date. Further time would be
required to take the trial to its logical conclusion and since

some of the accused persons are on bail including one Kaji Ismile @ Kazi Ismile @ Kaji Ismail who is on bail, petitioner be released on bail on any stringent condition.

Learned Public Prosecutor appearing for the State opposes the prayer for bail and submits that the present petitioner was arrested on 2017. His bail was subsequently cancelled by the Hon'ble High Court. Petitioner challenged the said order before the Hon'ble Supreme court and the order of the High Court was affirmed by the Hon'ble Supreme Court. Such order was passed on or about March, 2024. Thereafter petitioner surrendered before the jurisdictional Court and is in custody.

I have taken into account the facts of the case. The facts reflect a ghastly incident of setting a house on fire because of previous animosity including cases pending between the parties. The house was bolted and thereafter set ablaze. Three persons died in the incident. Few of the neighbour's houses were also bolted from outside so that on hearing the yell or hue and cry they would not be able to come out of their residence for aiding the victims. Finally a lady and her two children died in the incident at the spot. The two children died and the lady was shifted to a hospital at Kolkata where she succumbed to the injuries.

By different court proceedings litigation was delayed as there are number of accused persons. The case raises a

dissatisfaction as in a case of murder of three accused persons no trial was being proceeded with.

Pursuant to this Court's direction in CRM (M) 2211 of 2025 trial has started moving and 10 witnesses out of 29 witnesses have been examined. At this stage, the evidence which has surfaced cannot rule out the possibility of participation of the present petitioner.

Having considered the factum that the trial is in progress, I am of the opinion that the smooth progress of the trial should not be disturbed.

Accordingly, the prayer for bail of the petitioner is rejected.

Learned Trial Court is directed to keep up with the pace and within a period of 1 year complete rest of the 19 witnesses.

Petitioner will renew his prayer for bail after a period of one year from date.

Accordingly, CRM (M) 1793 of 2026 is **dismissed**.

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.)