14.10.2026
cm
ct 33
sl no.12

Allowed

C.R.M. (M) 2180 of 2026

In Re : An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Domjur P.S. Case No. 384 of 2024 dated 23.05.2024 Sections 498A/302 of the Indian Penal Code.

In Re : Gopal Roy.

..... petitioner

Mr. Sk. Toslim Ali

..... for the petitioner

Mr. Soumyapriyo Chowdhury
Mr. Kaustav Lal Mukherjee

.... for the State

1. The Division Bench vide order dated 7th February, 2024 in CRM(DB) 384 of 2024 had directed the Trial Court to ensure attendance of the doctors and other witnesses to record dying declaration of the victim, however, the same had not been complied with for more than two years 8 months.

2. The learned advocate representing the State opposed the prayer for grant of bail on the account of the aforesaid doctors to have been examined as well as the intensity and the gravity of the allegations against the present petitioner. The forwarding of the Inspector-in-Charge, Domjur Police Station dated 14.10.2026 to the learned Public Prosecutor, High Court at Calcutta stated the course of evidence of the prosecution witness and the same be kept on record.

3. Considering the period of detention and the fact that the Trial Court has failed to comply with the order of the Division Bench in CRM(DB) 3100 of 2024, further custodial interrogation of

the petitioner is not required in the instant case and the prayer for bail of the petitioner is considered and allowed.

4. Accordingly, the petitioner be released on bail upon furnishing a bond of Rs.25,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate at Howrah on condition that the petitioner shall appear before the Trial Court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition petitioner shall meet the local police station thrice in a week until further orders. The petitioner shall not leave the jurisdictional police station.

5. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

6. The Trial Court is to take steps with the assistance of the Investigating Agency and the local police station to ensure the presence of the doctors from the competent authorities to conclude the recording of the evidence.

6. The memo of evidence filed by the State be taken on record.

7. The application being CRM(M) No. 2180 of 2026 is disposed of.

(Ananya Bandyopadhyay, J.)