D/L 28

15.10.2026
Rohit, A.R.(Ct.)
ct.no.33

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
APPELLATE SIDE

C.R.M (M) 2280 of 2026

Rahul Bauri
Vs
The State of West Bengal

In Re: An Application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 arising out of **Kulti** Police Station Case No. **176** of **2024** dated **15.04.2024** under Section **302** of the IPC read with Sections **25/27** of the Arms Act.
And
In the matter of : Rahul Bauri

...Petitioner.

Mr. Ayan Bhattacherjee, Sr. adv.
Mr. Subhadeep Maity
Ms. Ayesha Sultana
...for the Petitioner

Mr. Subrata Mukherjee
Mr. Dipayan Dan
...for the State

Mr. Swapan Banerjee
Mr. Koustav Banerjee
... for the *De facto* Complainant

1. The Learned Advocate representing the petitioner submitted the petitioner to have been falsely implicated on the basis of the statement of a co-accused without any legal sanction to its probity. The prayer for bail was earlier rejected by the Jurisdictional Court on 16.05.2026. The petitioner had been arrested in connection with the instant case on 06.05.2024 and had been in custody therefrom. The T.I. Parade identification at this stage will not prejudice the petitioner, devoid of substantiative evidentiary value. Considering the period of detention and

the possibility of conclusion of recording evidence of 36 witnesses being remote prayed for grant of bail.

2. The Learned Advocate representing the State submitted the offending weapons to have been recovered from the house of the present petitioner and the call records between the principal accused and the present petitioner justifiably incriminates the present petitioner. Since the trial is yet to be concluded enlarging the petitioner on bail will frustrate the prosecution case due to possibility of intimidating the prosecution witnesses as well as tampering the evidence. Similarly objected to and opposed by the Learned Advocate representing the defacto complainant.

3. The narrative of the complaint, the contemporaneous documents on record, statements recorded under Sections 180 and 183 of the BNSS, the seizure list denoting the recovery of the offending weapons from the house of the present petitioner at the instance of co-accused person as well as the call records details on record referring the continuous communication between the present petitioner and the principal accused and that the vulnerable witnesses to have not been examined till date, the prayer for bail is considered and rejected.

4. The Trial Court is to take necessary steps in expediting the process of trial. The prosecution is directed to assist

the Trial Court to conclude recording evidence of the witnesses without unnecessary delay.

5. Memo of evidence submitted be kept with the record.

6. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

7. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Ananya Bandyopadhyay, J.)