

ITEM NO.1

COURT NO.7

SECTION II-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (Crl.) No.969/2025

[Arising out of impugned final judgment and order dated 25-09-2024 in CRM(DB) No. 2763/2024 passed by the High Court at Calcutta]

THE CENTRAL BUREAU OF INVESTIGATION

Petitioner(s)

VERSUS

MIR USMAN @ ARA @ MIR USMAN ALI

Respondent(s)

(FOR ADMISSION and I.R.)

Date : 08-09-2025 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) :

Mr. Archana Pathak Dave, A.S.G.
Mr. Mukesh Kumar Maroria, AOR
Mr. Sayooj Mohandas, Adv.
Mr. V V V Pattabhi Ram, Adv.
Mrs. Chitrangda Rastaravara, Adv.
Mr. Rahul Thanwani, Adv.

For Respondent(s) :

Mr. Anjan Datta, Adv.
Ms. Ishita Srivastava, Adv.
Mr. Vishal Arun Mishra, AOR

UPON hearing the counsel the Court made the following

O R D E R

1. The CBI, being aggrieved by the order passed by the High Court, granting bail to the respondent in connection with an offence of rape, has preferred this petition seeking to get the bail cancelled.

2. At the relevant point of time, when the High Court granted bail to the respondent he was already in custody past 3 years and 5 months. It has been almost 1 year that the High Court ordered release of the respondent on bail.

3. We heard Ms. Archana Pathak Dave, the learned Additional Solicitor General appearing for the petitioner - CBI and Mr. Anjan Datta, the learned counsel appearing for the respondent.

4. We are informed that the Trial Court has started recording oral evidence of the witnesses. We are further informed that the victim has already stepped into the witness box and her oral evidence is being recorded. The next date fixed by the Trial Court for further examination of the victim is 18-12-2025.

5. We fail to understand that once the witnesses and more particularly when the victim herself has stepped into the witness box why this examination in piecemeal. Why should the trial court adjourn the further examination of the victim by a period of four months. The trial court owes an explanation in this regard. By granting time for further examination, the trial court could be said to have unwittingly facilitated the accused to tamper with the prosecution witnesses. This is something which we should not ignore as it is a matter of grave concern.

6. Even the CBI owes an explanation, more particularly the public prosecutor, in-charge of the Trial. Why the victim has been put in the box after a long time. The victim should have been the first witness to step into the witness box.

7. Registry shall call for an appropriate report from the trial court as regards the status of the trial. How many witnesses have been examined so far. When was the victim examined the last. How many more witnesses the prosecution intends to examine before the prosecution closes its evidence.

8. Let this report be called for so as to reach this Court within a period of one week from today.

9. We grant one week's time to the respondent to file his counter affidavit

10. Post it on 22-9-2025 on top of the Board.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)