

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO.4583 OF 2025
(Arising out of SLP (Crl.) No.13620 of 2025)**

UTTAM GAYEN @ GAIN

APPELLANT(S)

VERSUS

THE STATE OF WEST BENGAL

RESPONDENT(S)

O R D E R

1. Leave granted.
2. The appellant challenges the judgment and order dated 18.07.2025 in C.R.M.(A)No. 1972/2025 passed by the High Court of Judicature at Calcutta titled "Uttam Gayen @ Gain vs. State of West Bengal.
3. On 04.09.2025, this Court passed the following order:-

"1. Petitioner challenges the judgment and order dated 18.07.2025 in C.R.M.(A) No.1972/2025 passed by the High Court at Calcutta, titled "Uttam Gayen @ Gain vs. The State of West Bengal".

2. Issue notice, returnable on 17.10.2025.

3. Dasti service, in addition, is permitted. Let steps for service be taken within two weeks.

4. Learned counsel for the petitioner is permitted to serve the learned standing counsel for the State of West Bengal.

5. In the notice itself let it be mentioned that the 1 respondent is required to file the counter affidavit and reply to the interlocutory application(s), if any, before the next date of listing.

6. In the event of arrest in connection with CR Case No.392 of 2024 originating from Seizure List No.04/2024-25, pending before the Court of the learned ACJM, Islampur, Uttar Dinajpur, West Bengal, the petitioner shall be released on bail on the appropriate terms and conditions as may be fixed by the Investigating Officer/Arresting Officer.

7. Needless to add, if the investigation is not complete in all respect, the petitioner would fully cooperate, and if the challan/charge sheet is filed, he would maintain good conduct and not attempt to influence any of the witnesses in any manner till the completion of the trial".

4. We have heard learned counsel for the parties and also perused the materials available on record.

5. It is not in dispute that the conditions stand fully complied with; the appellant has cooperated during the investigation; he has not threatened or intimidated any of the witnesses; or has tried to influence the investigation in any manner.

6. We have noticed the nature of crime and the manner in which it was allegedly committed.

7. We allow the present appeal by confirming the order dated 04.09.2025, passed by this Court, with a

direction to the appellant to continue to cooperate during the investigation/trial and not to take any unnecessary adjournment.

8. If the Investigating Officer/Arresting Officer/Trial Court feels that the investigation/trial is delayed on account of the appellant's conduct, it shall be open to the Investigating Officer/Arresting Officer/Trial Court to take appropriate steps in accordance with the law, including cancellation of bail.

9. The impugned order 18.07.2025 in C.R.M.(A) No.1972/2025 passed by the High Court of Judicature at Calcutta titled "*Uttam Gayen @ Gain vs. State of West Bengal*" is set aside.

10. Pending application(s), if any, shall stand disposed of.

.....J.

(SANJAY KAROL)

.....J.

(NONGMEIKAPAM KOTISWAR SINGH)

NEW DELHI;
17TH OCTOBER, 2025

ITEM NO.9

COURT NO.11

SECTION II-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (Crl.) No. 13620/2025
[Arising out of impugned final judgment and order dated
18-07-2025 in CRM(A) No. 1972/2025 passed by the High
Court at Calcutta]

UTTAM GAYEN @ GAIN

Petitioner(s)

VERSUS

THE STATE OF WEST BENGAL

Respondent(s)

Date : 17-10-2025 This petition was called on for hearing
today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KAROL

HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Petitioner(s) :Mr. Shivam Raghuwanshi, Adv.
Ms. Isha Nagpal, Adv.
Mr. Ram Ji Dwivedi, Adv.
Mr. Akshit Pradhan, AOR

For Respondent(s) :Mr. Kunal Mimani, AOR
Mr. Parag Chaturvedi, Adv.
Mr. Mranal Prajapati, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. Appeal is allowed in terms of signed order.
3. Pending application(s), if any, stand(s) disposed of.

(RAJNI MUKHI)
ASTT. REGISTRAR-cum-PS

(ANU BHALLA)
COURT MASTER (NSH)

(Signed order is placed on the file)