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**CRM 6679 of 2020
CRAN 1 of 2020
(Via Video Conference)**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Cossipore P.S. Case No.9/2008 dated 16.01.2008 under Sections 302/307/34 of the Indian Penal Code read with Section 25(1B)(a)/27 of the Arms Act.

And

In the matter of: Sk. Javed @ Bhola

....Petitioner.

Mr. Ayan Bhattacharya
Mrs. S. Das

...for the Petitioner.

Mr. N. Ahmed
Ms. Amita Gour

...for the State.

The petitioner undertakes to affirm and stamp the petition as per the Rules within a month of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

The application being CRAN 1 of 2020 is disposed of.

Petitioner is in custody for 12 years. It is submitted that the ingredients of the offence punishable under section 302 of IPC is not disclosed in the facts of the case. Petitioner submits that the examination of prosecution witnesses are in progress.

Learned lawyer for the State opposes the prayer for bail and submits that there is ample material to show that the petitioner had shot at the victim who succumbed to his injuries. Petitioner had threatened the witnesses from jail and a separate criminal case has been registered against him.

Having considered the materials on record we find that the trial has substantially progressed. Although the petitioner had suffered protracted period of detention, we are not unconscious of the fact that the offence, if proved, would attract indeterminate sentence of life imprisonment. That apart, it is alleged threats had been held out by the petitioner from jail, resulting in registration of a separate criminal case. In view of the aforesaid incriminating factors, we are not inclined to grant bail to the petitioner at this stage.

Trial court is directed to continue with the trial and conclude the same at an early date.

CRM 6679 of 2020 is disposed of.

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

(Kausik Chanda, J.)

(Joymalya Bagchi, J.)