

20.10.2020.
Item No. 11
(Rejected)

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C.R.M. 7999 of 2020

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Ranaghat P.S. Case No. 332 of 2020 dated 12.10.2019 under Section 302 of the Indian Penal Code and Sections 25/27 of the Arms Act;

And

In the matter of : **Krishna Rajbhar @ Rakesh @ Mamu.**

... petitioner.

Mr. Subir Debnath.

...For the petitioner.

Mr. N. Ahamed, Ld. APP,
Ms. Amita Gaur.

...For the State.

The learned Advocate-on-Record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within forty-eight hours of resumption of the normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing.

The learned Advocate for the petitioner submits that the petitioner is in custody for 366 days in connection with the instant case, which has no nexus to his involvement. It is submitted that there is no eyewitness and his case is based on circumstantial evidence and though the charge-sheet has been filed but there is no possibility of sessions to commence in near future.

The learned Advocate for the State opposes the prayer for bail. It is submitted that the petitioner was apprehended in connection with the instant case and, in fact, was identified by the victim's relative in Test Identification Parade. It is further submitted that the offending weapon was also recovered on the disclosure of the petitioner and, therefore, the prayer for bail of the petitioner should be rejected.

Considering the submissions advanced by the respective Counsels and the fact that the identification of the petitioner was established in Test Identification Parade as well as the offending weapon was recovered on his disclosure, though from a public place, we do not feel that it is a fit case where the petitioner should be enlarged on bail.

Accordingly, the application for bail being CRM 7999 of 2020 is **rejected**.

However, we request the concerned Judge to expedite the trial.

(Ravi Krishan Kapur, J.)

(Harish Tandon, J.)