

23.03.2021

CRM 1055 of 2021

Court No. 28
Item No. 97
snandy

(REJECTED)

In Re: An application for **Bail** under Section **439** of the Code of Criminal Procedure filed on 25.01.2021 in connection with Bally Police Station Case No. 1142 of 2011 dated 17.12.2011 under Section 302 of the Indian Penal Code. (S.T. No. 355 of 2012)

and

In the matter of: **Narendra Kumar**

..... Petitioner

Mr. Akash Ray, Advocate

Mr. Pranjal Pal, Advocate

Mr. S. Ray, Advocate

.....for the Petitioner

Mr. Swapan Banerjee, Advocate

Mr. Suman De, Advocate

..... for the State

The petitioner has filed the instant application for bail in connection with Bally Police Station Case No. 1142 of 2011 dated 17.12.2011 under Section 302 of the Indian Penal Code.

The learned Advocate for the petitioner submits that the petitioner is in custody for eight years and eight months and the serological report which is the very foundation of the case and on the basis of which the petitioner has been framed, is vague and thereby making the whole of the prosecution evidence redundant. Additionally, the learned Advocate submits that considering the period of detention of the present petitioner, on any condition he may be released on bail.

Mr. Swapan Banerjee, learned Advocate for the State, opposes the prayer for bail and submits that the examination of the two Investigating Officers are only left and rest of the chargesheeted witnesses on whom prosecution intended to rely, have already been examined.

Having regard to the stage of the case, we are not inclined to

release the petitioner on bail.

As such, the prayer for bail is **rejected**.

The application being **CRM 1055 of 2021** accordingly **dismissed**.

However, having regard to the submissions advanced by the prosecution that only two witnesses (Investigating Officers) are to be examined, we direct the trial Court to complete the prosecution evidence by May 31, 2021. The prosecution is also directed to produce the concerned Investigating Officers along with all the relevant materials (documents and proposed material substances to be admitted in evidence) on the next date fixed by the trial Court.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)