

08.11.2021  
tkm/ct 28  
sl no. 22

**C.R.M. 2645 of 2021**

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Nowda P.S case no. 46/2017 dated 4.3.2017 under sections 302/307/34 of the Indian Penal Code  
And

In Re : Mursalim Sk @ Md. Mursalim Sk ..... petitioner

Mr. A Rahman

..... for the petitioner

Mr. M Sur

Mr. D Paramanick

..... for the State

Petitioner renews his prayer for bail. It is submitted on behalf of the petitioner that he is not the principal accused and he is in custody for about 486 days.

Learned lawyer for the State opposes the prayer for bail and submits that the petitioner shared common intention to commit the murder. It is further submitted that prayer for bail was rejected by a co-ordinate Bench by this court in October 2020 and trial is at its fag end.

We have considered the materials on record. Statements of witnesses show presence of the petitioner as one of the members of the group which had assaulted the victim resulting in his death. Other persons were also injured. In view of the gravity of the offence and as the trial is at its fag end, we are not inclined to grant bail to the petitioner at this stage

Accordingly, the prayer for bail is rejected.

We, however, request the trial court to conclude the trial at an early date preferably within three months from the next date

fixed before it for recording evidence without granting unnecessary adjournment to either of the parties.

**(Aniruddha Roy, J.)**

**(Joymalya Bagchi, J.)**