

30.07.2021

Court No.28
Item No.23
(REJECTED)

Ab

CRM 3328 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on 12.04.2021 in connection with Kulti Police Station Case No. 37 of 2017 dated 19.01.2017 under Sections 498A/323/326/307/448/506 of the Indian Penal Code and under Sections 25/27 of the Arms Act;

And

In the matter of : **Md. Sahabuddin @ Sonu.**

...Petitioner.

Mr. Sandipan Ganaguly,
Ms. Sreyashee Biswas,
Ms. Benajir Hasna.

...For the Petitioner

Mr. Madhusudan Sur,
Mr. Dipankar Pramanick.

... For the State

The Advocate-on-record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure in connection with Kulti Police Station Case No. 37 of 2017 under Sections 498A/323/326/307/448/506 of the Indian Penal Code and under Sections 25/27 of the Arms Act.

The petitioner has filed the application for bail on the ground that the material witness i.e. the mother in-law of the petitioner was declared hostile during recording the evidence by the prosecution and in view thereof, the petitioner should immediately be released on bail.

Admittedly, it is a case of gunshot injury suffered by the

mother in-law and several witnesses have been shown in the charge-sheet to corroborate such facts. Even though, the petitioner is languishing in jail for more than four years and one of the witnesses has turned hostile, yet we do not think that it creates an indivisible right to the petitioner to get the bail solely on such score alone. There may be other material witnesses who are required to be examined and if the petitioner feels that there is no incriminating material unearth during the evidence, he can apply before the learned Sessions Judge for his acquittal, but we do not think that it is a fit case where the petitioner should be enlarged on bail at this stage.

The application for bail, being CRM 3328 of 2021, is thus **rejected.**

However, learned Sessions Judge is requested to fix the date for recording the evidence of the other witnesses and endeavour shall be shown to complete the trial as expeditiously as possible preferably within eight months from the date of communication of this order.

(Harish Tandon, J)

(Bibek Chaudhuri, J.)