

04.02.2021
Court No.28
Item No. 12
Krishnendu
Bail Rejected

**CRM 10848 of 2020
(Via video Conference)**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : Mukesh Thakur

Petitioner

Mr. Kallol Mondal

Ms. Sreyashee Biswas

Ms. Puja Goswami

For the Petitioner

Mr. Swapan Banerjee

Mr. Suman De

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Burrabazar Police Station Case No. 66 of 2012 dated 12.02.2012 under sections 302/34 of the Indian Penal Code and sections 25/27 of the Arms Act.

Mr. Mondal, learned advocate appearing for the petitioner submits that he was not named initially in connection with this case and when the evidence of the prosecution witness no. 3 was progressing, the Investigating Agency all on a sudden filed a supplementary charge sheet where his name has been incorporated and he was subsequently arrested and is in custody since 18th June, 2014. The learned advocate additionally submits that considering the period of detention, the materials appearing against the present petitioner in evidence and the manner in which the case is progressing, i.e., only fourteen witnesses out of thirty-one witnesses being examined, the petitioner may be released on bail on any stringent condition.

Mr. Banerjee, learned advocate appearing for the State opposes the prayer for bail and submits that the trial is at an advanced stage. Fourteen witnesses have already been examined and the prosecution intends to rely upon few more witnesses, namely F.S.L., Autopsy Surgeon, a seizure list and two Investigating Officers of the case. The learned advocate further submits that if this Court is pleased to pass a direction to expedite the progress of the trial, under such circumstances the Investigating Officer, who is present in Court, would abide by the same in its true spirit.

We have taken into account the period of detention of the present petitioner, the stage of the trial and the complicity of the present petitioner. Having regard to the advanced stage of the case, the number of witnesses, being five/six, who are left for examination before the learned Trial Court, we are of the opinion that it would not be fit and proper to enlarge the petitioner on bail at this stage. Accordingly, the prayer for bail of the petitioner is rejected.

However, the learned Trial Court is directed to refer to the witnesses above, who have been sought to be examined by the prosecution, and conclude the evidence within a reasonable period of time.

Accordingly, the application for bail, being CRM No. 10848 of 2020, is dismissed.

(Tirthankar Ghosh, J)
Chakraborty, J)

(Tapabrata