

CRM(DB) No.239 of 2022

Via video conference

04.03.22

(S.R.)

Sl.34

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Krishnagar Kotwali** Police Station Case No.225 of 2020 dated 16/04/2020 under Sections 302/201 of the Indian Penal Code and Sections 25/27 of the Arms Act (corresponding to S.C. No.146(12)2020);

And

In re: Debasish Sarkar @ Choton @ Madan ... petitioner.

Mr. Prabir Majumder

Mr. S. Majumder

... for the petitioner.

Mr. Neguive Ahmed, APP

Ms. Amita Gaur

...for the State.

Mr. Majumder, learned lawyer appearing for the petitioner submitted that the trial is not in progress. Almost eleven witnesses are examined out of twenty-eight witnesses. Testimony of the witnesses so far as available are not inculpatory. The petitioner is in custody for more than 700 days. Accordingly, he prayed for release of the present petitioner on bail on any stringent condition.

Mr. Ahmed, learned Additional Public Prosecutor appearing for the State submitted that the present petitioner has criminal antecedent, as it appears from the case diary. Trial is in progress. Strong incriminating elements are there against the present petitioner including the recovery of offending weapon on the basis of the statement of the present petitioner. Therefore, according to Mr. Ahmed, bail should not be granted to him.

We have heard rival submissions and perused the case diary.

It appears that the trial is in progress. Eleven witnesses are examined, as submitted. This Court, while hearing this bail application, is not in a position to scan and assess the evidentiary

values of oral testimony of the witnesses. The allegation is very grave and serious. There are incriminating materials against the present petitioners indicating perpetration of a gruesome murder. In the circumstances, we are not inclined to allow bail to the present petitioner at this stage. However, we direct the Learned Trial Court to expedite the trial and to dispose of the case preferably within a period of six months from the date of communication of this order.

With the above observations and directions, the application for bail being CRM(DB) No.239 of 2022 is, accordingly, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)