

28.04.2022
Sl. 38
Court No.29
suvayan
(rejected)

C.R.M. (DB) 360 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Magrahat** P.S. case No. **107** dated **26/02/2015** under Sections **302/34** of the Indian Penal Code and Sections **25/27** of the Arms Act.

And

In the matter of: Anowar Hossain Fakir @ Boto

....petitioner.

Mr. Biplab Mitra

Ms. Trina Mitra

...for the petitioner.

Mr. Madhusudan Sur

Mr. Dipankar Paramanick

...for the State.

Mr. Debabrata Sardar

...for the de facto complainant.

Report as called for by the order dated April 20, 2022 filed in Court be taken on record.

The prayer for bail is taken up for consideration subsequent to the order dated April 20, 2022.

Before the Trial Court, the last date for examination of witness was on April 26, 2022. On such date, Advocate for the petitioner prayed for time of fifteen days for the purpose of getting himself ready to cross-examining the witness which the prosecutions were willing to produce. The doctor witness, however, was not produced on that date, since such doctor witness under went surgical operation. The prosecution was willing to produce other witnesses for cross-examination when the prayer for adjournment was made and considered and allowed by the learned Trial Court.

In view of the conduct of the petitioner, we are unable to return the finding that the prosecution was tardy with regard to the prosecution of the case. There is hardly any material change in circumstances subsequent to the earlier order rejecting the

prayer for bail. Consequently, we are unable to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is rejected.

C.R.M. (DB) 360 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)