

10.02.2022

Sl. 45

Court No.29

sourav

(Rejected)

C.R.M. (DB) 396 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **03.02.2022** in connection with **Hanskhali** P.S. Case No. **141** of **2018** dated **16.05.2018** under Sections **448/302/120B** of the Indian Penal Code read with Section **25(1)(a)/27** of the Arms Act.

And

In the matter of: **Mr. Jatin Roy.**

....petitioner.

Mr. Siddhartha Chowdhury
Mr. Debangana Bhattacharjee
Ms. Swarnali Saha
Mr. Rajdeep Sinha

...for the Petitioner.

Mr. Neguive Ahmed, Ld. APP
Ms. Ayantika Ray

...for the State.

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that the petitioner is in custody in excess of 1366 days. He submits that four witnesses were examined by the prosecution at the trial. All four witnesses turned hostile. He draws the attention of the Court to the certified copy of the evidence of the defacto complainant. He submits that none of the witnesses identified the petitioner as the assailant. The co-accused was granted bail by the jurisdictional court.

Learned Additional Public Prosecutor submits that all the witnesses of the prosecution are yet to be examined. All the seizure witnesses are yet to be examined. Therefore, at the crucial stage of the trial, the petitioner should not be enlarged on bail. He submits that there are forensic evidence implicating the petitioner with that of the weapon used for the murder. He submits that next date for evidence is February 21, 2022.

Considering the gravity of the offence and the complicity of

the petitioner therein and the fact that all the prosecution witnesses are yet to be examined coupled with the fact that four witnesses of the prosecution turned hostile, we are of the view that enlarging the petitioner on bail at this crucial stage of the trial will not be advisable.

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

However, we request the jurisdictional court to dispose of the trial as expeditiously as possible without granting any unnecessary adjournments to any of the parties.

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

C.R.M. (DB) 396 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

