

25.07.2022.
01.
Ct.No.28
as
(Rejected)

C.R.M. 5025 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dasnagar P.S. Case No.358 of 2015 dated 30.09.2015 under Sections 448/302/34 of the Indian Penal Code and Sections 25/27 of the Arms Act.

In the matter of : Binod Singh.

... Petitioner.

Mr. Biswajit Manna,
Mr. S. Basu Roy Chowdhuri.

...for the Petitioner.

Mr. Tapan Deb Nandy,
Mr. Antarikhya Basu.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioner is in custody for over six years. It is submitted there is slow progress in the trial of the case.

Learned Advocate for the State opposes the prayer for bail and submits trial is in progress. Petitioner was identified in court by PW1. He has also been identified in course of T. I. Parade. Matter was adjourned due to absence of presiding officer in the trial court.

We have considered the materials on record. Statement of witnesses as well as other incriminating materials collected during investigation implicate the petitioner in the murder. With regard to delay, we note recording of prosecution evidence has commenced. Systemic reasons like absence of presiding

officer in court and pandemic conditions have contributed to the delay. As the case is delicately poised at the stage of recording evidence of vital witnesses and to avoid any influence on such witnesses, we are not inclined to grant bail to the petitioner at this stage.

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

Trial court shall proceed with the trial with utmost expedition and conclude the same at an early date without granting any unnecessary adjournment to either of the parties.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)