

10.08.2022
Sl. No.25
akd
[Rejected]

C. R. M. (DB) 2598 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 28.07.2022 in connection with Jamuria Police Station Case No. 135 of 2018 dated 01.06.2018 under Sections 363/365/302/120B/201 of the Indian Penal Code. (G.R. Case No.1066 of 2018)

And

In Re: **Chhotu Yadav**

... .. Petitioner

Mr. Biswajit Tiwari
Sk. Salim

... .. for the petitioner

Mr. Saswata Gopal Mukherjee .. Id. Public Prosecutor
Mr. Parthapratim Das
Mrs. Manasi Roy

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than four years. It is further submitted there is slow progress in the trial of the case. Co-accuseds have been enlarged on bail.

Learned advocate appearing for the State opposes the prayer for bail.

We have considered the materials on record. Petitioner is the principal offender. He had illicit relationship with the victim. On his leading statement, body of the victim was brought out from an abandoned colliery. Recovery was videographed in course of investigation. In view of the aforesaid incriminating materials, we are of the opinion petitioner does not stand on the same footing with co-accuseds who are on bail and may not be entitled to bail on merits.

The application for bail is thus **rejected**.

On the score of delay, we note examination of prosecution witnesses have begun. Under such circumstances, though we are not

inclined to grant bail to the petitioner at this stage, lest the witnesses be influenced, we direct the trial court to conduct the trial on a day to day basis and conclude the same at an early date preferably within one year from the next date fixed for recording evidence without granting unnecessary adjournments to either of the parties.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)