

20.10.2022
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NB/AGM
(Reject)

CRM (DB) 3564 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973.

In the matter of : Sukdev Saspilly @ Suku ... petitioner.

Mr. Soumyajit Das Mahapatra.
...for the petitioner.

Mr. Rudradipta Nandy,
Ms. Manasi Roy.
.....for the State.

We have heard the learned advocate for the petitioner and the learned Public Prosecutor in-charge.

We have also perused the case diary carefully.

The learned advocate for the petitioner submits that the accused was in custody for three years. Though charge was framed against the petitioner under Section 302 along with other cognate penal provisions on 23rd September, 2021, thereafter as many as 16 dates were fixed for examination of the witnesses. There are 18 witnesses in the charge sheet. However, till date, even the examination of PW1 has not been concluded. Furthermore, the co-accused persons were released on bail. Therefore, the petitioner may be favoured with an order of appeal.

Learned Public Prosecutor in-charge has raised vehemently objected against the prayer of bail on the ground that he is the

principal accused who opened fire on point blank range causing murder of the victim. Offending weapon was recovered leading to his statement.

The eyewitnesses implicated the accused as the perpetrator of offence in their statements under Section 164 of the Code of Criminal Procedure.

Considering the materials in case diary and the extent of complicity attributed to the accused, we are not inclined the petitioner on bail.

However, we are told that the investigating officer of the case is present in Court. The learned Trial Judge is requested to fix a specific schedule of examination of the charge sheeted witnesses and the investigating officer is directed to produce the witnesses for examination on the fixed by the learned Trial Judge.

The learned counsels for the prosecution as well as the defence are requested not to take any unnecessary adjournment to facilitate the conclusion of the trial expeditiously.

The learned advocate for the petitioner is at liberty to produce the server copy of this order to the Trial Court for compliance.

The application for bail being CRM (DB) 3564 of 2022, is thus rejected.

(Bibek Chaudhuri, J.)

(Biswaroop Chowdhury, J.)

