

06.12.2022
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rejected

C.R.M. (DB) No. 4304 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sankrail Police Station Case No. 743 of 2017 dated 24.09.2017 under Sections 498A/302/201/34 of the Indian Penal Code.

And

In Re : Subhojit Hazra @ Kartick Hazra petitioner

Mr. Niladri Sekhar Ghosh
Ms. Sompurna Chatterjee
Mr. Sourav Mondal

... for the petitioner

Mr. Saswata Gopal Mukherji, learned PP
Mr. Aniket Mitra

... for the State

Learned Counsel appearing for the petitioner submits he is in custody for more than five years. He draws our attention to the order dated 14.03.2022 passed by this Court in CRM 3539 of 2021 directing expeditious disposal of the case. He submits, notwithstanding such direction, examination of witnesses have not begun. He renews his prayer for bail.

Learned Counsel appearing for the State opposes the prayer for bail and submits date has been fixed for examination of witnesses.

We have gone through the materials on record as well as orders passed by the trial court. Direction for expeditious trial was placed before the trial court on 07.05.2022. Thereafter, prosecutor produced witness for examination. However,

accused could not be produced from the Correctional Home and the matter was adjourned. Presently, the Court is lying vacant.

In view of the aforesaid circumstances it appears prosecution took necessary steps for examination of witnesses. But proceedings were adjourned due to systemic reasons. Allegations against the petitioner are grave. He murdered his wife.

Accordingly, we are not inclined to grant bail to the petitioner.

The application for bail is, thus, rejected.

We direct the trial court to expedite the trial and conclude the same as expeditiously as possible without granting any unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)