

13.01.2023
tkm/ct 28
sl no.52

C.R.M. (DB) 131 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Panskura Police Station Case No. 236 of 2021 dated 31.5.2021 under Sections 147/149/323/325/307/354B/379/302/506/341 of the IPC read with section 51B of the NDM Act

And

In Re : Sayed Serajul Islam & Ors. petitioners

Ms. Anasuya Sinha

Ms. Pusmita Das

..... for the petitioners

Mr. S Bapuli

Mr. Bibaswn Bhattacharya

..... for the State

Mr. Abdul Raquib

Mr. T Mukherjee

Mr. S Chakraborty

..... for the de facto complainant

Petitioners are in custody for 594 days. It is submitted co-accuseds are on bail. There is delay in trial. They pray for bail.

Learned lawyer for the State opposes the prayer for bail and submits there are ample materials implicating the petitioners in the murder. They do not stand on the same footing with co-accuseds who are on bail. Trial has commenced.

Learned lawyer for the de facto complainant also opposes the prayer for bail.

We have considered the materials on record. Bail prayer of the petitioners were rejected earlier on merits. They do not stand on the same footing with co-accuseds who are on bail. One of the witnesses has been examined in part.

Hence, we are not inclined to grant bail to the petitioners.

Accordingly, the prayer for bail is rejected.

However, in view of the protracted period of detention suffered by the petitioners we request the trial court to expedite the trial 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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)