

25.04.2023.
21.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 351 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kharagpur (Town) P. S. Case No.20 of 2017 dated 20.01.2017 under Sections 447/326/307/302/201/120B/34 of the Indian Penal Code and Sections 25/27 of the Arms Act and Section 9(B)(ii) of the Indian Explosive Act.

In the matter of : Raju Singh @ Bapi.

... Petitioner.

Mr. Abhijit Chattopadhyay,
Mr. Noni gopal Chakraborty.

...for the Petitioner.

Mr. Ranabir Roy Chowdhury,
Mr. Mainak Gupta.

...for the State.

Petitioner is in custody for six years and two months. He submits there is inordinate delay in trial. He prays for bail on such score.

Learned Advocate for the State opposes the bail prayer. He submits there are ample evidence connecting the petitioner with the murder. Trial is at a matured stage. All but one prosecution witness have been examined. Sanction order was sought to be exhibited on admission which was objected. As a result, the District Magistrate was summoned to appear on 4th May, 2023.

We have considered the materials on record. Offence is a grave one involving death of a person and grievous injury on another. Witnesses including the injured eyewitness viz., PWs. 2, 5 and 12 have disclosed the presence and role of the petitioner in the crime. Offence if proved will attract mandatory

life imprisonment. All the prosecution witnesses except one have been examined. The District Magistrate has been summoned to depose on 4th May, 2023 to prove the sanction letter. Co-accused, a quack doctor, who does not stand on the same footing with the petitioner has been enlarged on bail. Release of the petitioner on bail at this stage would jeopardise the quick progress in trial.

Under such circumstances and in view of gravity of offence and principal role played by the petitioner therein, we are not inclined to release the petitioner on bail.

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

We request the trial court to record the evidence of the District Magistrate positively on 4th May, 2023 and if it is not done due to circumstances beyond control positively within seven days thereof. Thereafter, trial court to proceed with the matter and conclude the trial preferably within six months from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

Parties shall communicate the order to the trial court for due compliance.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)

