

01.02.2023
Sl. No.39
akd
[Rejected]

C. R. M. (DB) 366 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 24.01.2023 in connection with Kulti Police Station Case No.157 of 2020 dated 17.04.2020 under Sections 448/324/325/326/307/302/506/34 of the Indian Penal Code.

And

In Re: ***Binod Shaw***

... .. Petitioner

Mr. Apurba Kumar Datta
Mr. Subhabrata Bandyopadhyay
... .. for the petitioner

Mr. Kunal Ganguly
... .. for the de-facto complainant

Mr. Neguive Ahmed .. Id. Addl. Public Prosecutor
Mr. Swapan Banerjee
Ms. Trina Mitra
... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about three years. It is further submitted petitioner is not the principal assailant. There is slow progress in trial.

Learned Additional Public Prosecutor opposes the prayer for bail.

Learned Advocate for the de-facto complainant also opposes the prayer for bail.

We have considered the materials on record. Trial is in progress. We have examined the evidence of one of the witnesses. Though petitioner is not the principal accused who assaulted the deceased, he had incited the said principal accused i.e. his son to assault the deceased. In view of the aforesaid facts and as trial is in progress, we are not inclined to grant bail to the petitioner at this stage.

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

We however, direct the trial court to conclude the trial 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.)