

16.02.2023.
37.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 389 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Netaji Nagar P.S. Case No.182 of 2017 dated 17.06.2017 under Sections 302/394/460/120B of the Indian Penal Code.

In the matter of : Jamaluddin @ Jamal.

... Petitioner.

Mr. Deepak Prahladka,
Ms. Reshmi Khatun.

...for the Petitioner.

Ms. Zareen N. Khan,
Mr. A. Sarkar.

...for the State.

Petitioner is in custody for more than five years. It is submitted there is delay in trial. He renews his prayer for bail.

Learned Advocate for the State opposes the bail prayer. He submits report.

We have considered the materials on record. From the report, it appears there are materials implicating the petitioner in the murder. Due to pandemic conditions in 2020-2021, the proceeding was delayed. Thereafter, three witnesses have been examined and the examination of the fourth witness is in progress.

In view of the aforesaid materials on record and gravity of the offence, we are not inclined to grant bail to the petitioner.

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

We request the trial court to conduct the trial on a day-to-day basis and conclude the same as expeditiously as possible

preferably within one year from the next date fixed for recording evidence date without granting any unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)