

02.02.2023

43

sdas

rejected

C.R.M.(DB) No. 400 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Haroa Police Station Case No. 305 of 2021 dated 21.07.2021 under Sections 147/148/149/326/307/302/506/120B of the Indian Penal Code and Sections 25/27 of the Arms Act.

And

In Re : Tapan Barui & Ors. petitioners

Mr. Kallol Kumar Basu

Mr. Biswajit Hazra

Mr. Jannat Ul Firdous

Mr. Archisman Sain

... for the petitioner

Mr. Neguive Ahamed, learned APP

Ms. Ayantika Roy

... for the State

Learned Counsel appearing for the petitioners submits they are in custody for more than 400 days. They pray for bail.

Learned Counsel appearing for the State opposes the prayer for bail and submits trial is in progress. Large number of witnesses have been examined.

We have considered the materials on record. Trial is in progress. It is also submitted that some of the witnesses have not supported the prosecution case. Case involves murder of two persons. Impact of the hostile witnesses have to be seen in the backdrop of other evidence on record. Under such circumstances, we are not inclined to grant bail to the petitioners at this stage.

The application for bail is, thus, rejected.

Trial court is directed to conclude the trial as expeditiously as possible preferably within one year from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)