

27.07.2023.
17.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 495 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Belur P. S. Case No.01 of 2015 dated 01.01.2015 under Sections 302/120B of the Indian Penal Code.

In the matter of : Sabyasachi Chatterjee @ Bhola.
... Petitioner.

Mr. Asraf Ali.
...for the Petitioner.

Mr. Ranabir Roy Chowdhury,
Mr. Sandip Chakraborty.
...for the State.

Petitioner is in custody for eight and half years. He prays for bail on the ground of delay.

Learned Advocate for the State submits report.

We have considered the materials on record. From the report it appears the last prosecution witness has been examined but prosecutor made prayer for amendment of charge and reframing of charge under Sections 25/27 of the Arms Act.

In view of the aforesaid state of affairs and the overwhelming evidence against the petitioner, we are not inclined to grant bail to the petitioner. Particularly, when the charge of murder, if proved, would attract mandatory life imprisonment.

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

We request the trial court to consider the issue of reframing of charge at the earliest and in the event, charge is

reframed to conclude the trial positively within one year from the date of reframing of charge without granting unnecessary adjournment to either of the parties.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)