

23.03.2023

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sdas
rejected

C.R.M. (DB) No. 1061 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Anandapur Police Station Case No. 240 dated 08.07.2016 under Sections 302/34 of the Indian Penal Code read with Sections 25(1B)(a)/27 of the Arms Act.

And

In Re : Md. Pappu @ Noor Alam petitioner

Mr. Sumit Kumar Basu
Mr. Sayan Sachin Basu
Mr. Tridip Sen
Mr. Venkateshwar Prasad
... for the petitioner

Mr. Madhusudan Sur, learned APP
Mr. Arabnda Manna
... for the State

Learned Counsel for the petitioner submits he is in custody for six and half years. It is also submitted there is inordinate delay in trial. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits petitioner is the principal accused. He had shot at the victim. Dying declaration of the victim implicates the petitioner. Ballistic report shows bullet head recovered from the body of the victim matches with the firearm recovered from the petitioner.

We have considered the materials on record. There are overwhelming evidence in the form of dying declaration and other materials implicating the petitioner in the murder. Trial is

in progress and four witnesses have already been examined. Under such circumstances we do not consider it prudent to enlarge the petitioner on bail. Accordingly, we are not inclined to grant bail to the petitioner.

The application for bail is, thus, rejected.

We request the trial court to conduct the trial with utmost expedition and conclude the same at an early date preferably within two years from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

Parties shall communicate copy of the order to the trial court for necessary compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)