

13.04.2023.
32.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 1255 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Entally P. S. Case No.188 of 2021 dated 17.05.2021 under Sections 307/324/323/427/34 of the Indian Penal Code read with Sections 25(2)/27 of the Arms Act.

In the matter of : Md. Arshad.

... Petitioner.

Mr. Avik Ghatak,
Mr. Sagnik Mukherjee.

...for the Petitioner.

Mr. Neguive Ahmed, Id. A.P.P.,
Ms. Trina Mitra.

...for the State.

Petitioner is in custody for more than 600 days. He renews his bail prayer.

Learned Additional Public Prosecutor opposes the bail prayer. He submits petitioner and co-accused have criminal antecedents. Bail granted to co-accused was cancelled by a Co-ordinate Bench of this Court in CRM (DB) 3700 of 2022. Trial has commenced and two witnesses have been examined.

We have considered the materials on record. Bail prayer of the petitioner was rejected on merits in November, 2022. Thereafter, charge has been framed and two witnesses have already been examined. In view of the aforesaid, it cannot be said that prompt steps have not been taken by the prosecution to pursue the case.

Keeping in mind the involvement of the petitioner in the crime, his antecedents and as trial is in progress, we are not inclined to grant bail to the petitioner at this stage.

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

Prosecution is requested to streamline the witnesses and examine them with utmost expedition.

Trial court shall fix schedules at reasonable intervals and make an attempt to complete the trial preferably within one year from the next date fixed for recording evidence 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.)