

20.04.2023.
19.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 1483 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hanskhali P. S. Case No.141 of 2018 dated 15.05.2018 under Sections 448/302/201 of the Indian Penal Code and under Sections 25(i)(d)/27 of the Arms Act.

In the matter of : Jatin Roy.

... Petitioner.

Mr. Prabir Majumder,
Mr. S. Majumder.

...for the Petitioner.

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

...for the State.

Petitioner is in custody for more than five years. It is contended inspite of direction given by this Court in CRM (DB) 1797 of 2022, trial has not come to an end. He renews his bail prayer.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. Report is placed on record. Delay is due to vacancy in the trial court. It cannot be attributed to the prosecution.

Under such circumstances, we are not inclined to grant bail to the petitioner on the ground of delay.

However, keeping in mind the protracted period of detention, we request the Judge-in-charge to record prosecution evidence till the vacancy is filled up.

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

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

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)