

27.04.2023.
35.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 1707 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with AJC Bose B. Garden P. S. Case No.48 of 2021 dated 21.04.2021 under Sections 341/326/307/195A/506/120B/34 of the Indian Penal Code and Sections 25/27 of the Arms Act and charge sheet submitted under Sections 341/326/307/195A/506/120B/34 of the Indian Penal Code.

In the matter of : Md. Hussain Umar Ansari.

... Petitioner.

Mr. Tapodip Gupta.

...for the Petitioner.

Mr. Saswata Gopal Mukherji, Id. P.P.,

Mr. Sudip Ghose

Mr. Bitasok Banerjee.

...for the State.

Mr. Kallol Mondal,

Mr. Sabyasachi Banerjee,

Mr. Bikram Mitra.

...for the de-facto complainant.

Petitioner is in custody for more than a year. He renews his bail prayer.

Learned Advocate for the State submits trial is in progress. Five witnesses have already been examined.

Learned Advocate for the de-facto complainant opposes the bail prayer.

We have considered the materials on record. This is a case involving attempt to murder of a witness. Trial is in progress. Delay in the matter was essentially engineered by the machinations of the petitioner and the co-accused. Hence, we are not inclined to grant bail to the petitioner.

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

Trial court is requested to expedite the trial and conclude the same at an early date by fixing schedules at regular intervals and not granting unnecessary adjournment to either of the parties. Till the Judicial Officer joins the place of posting, the Judge-in-charge shall proceed to record evidence wherever witnesses are present.

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

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)