

27.04.2023
as/tkm/ct 28
sl no.40

C.R.M. (DB) 1713 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Joynagar PS case no. 945 of 2018 dated 28.9.2018 under sections 302/34 IPC and sections 25/27 of the Arms Act
And

In Re : Sahidali Laskar @ Shayed Ali Laskar @ Sahid & Anr.

..... petitioners

Mr. U S Chattopadhyay
Mr. S S Chatterjee
Ms. R Tah
Ms. T Rakshit

..... for the petitioner

Ms. Z N Khan
Md. Kutubuddin

..... for the State

Mr. Sujoy Sarkar
Mr. Prosenjit Biswas

..... for the de facto complainant

Petitioners are in custody or more than four years. It is contended there is little possibility of trial concluding in the near future. Co-accused are on bail. They renew their prayer for bail.

Learned lawyer for the State opposes the bail prayer. He submits petitioners are the principal accused. Trial is in progress. Number of witnesses have been examined.

Learned lawyer for the de facto complainant opposes the bail prayer.

We have considered the materials on record. Evidence on record shows petitioners are the principal assailants. Petitioner no. 1 shot at the victim. Petitioner no. 2 slit his throat. Naturally, they do not stand on the same footing with co-accused who are on bail. Number of witnesses have been examined. Offences if proved, would attract life imprisonment.

Under such circumstances, we are not inclined to grant bail to the petitioners.

Accordingly, prayer for bail is rejected.

Trial court is directed to conduct the trial with utmost expedition and conclude the same within two years from the next date fixed for recording evidence without granting unnecessary adjournments to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)