

24.07.2023
Sl. No.19
akd
[Rejected]

C. R. M. (DB) 2467 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 15.06.2023 in connection with Usthi Police Station Case No.434 dated 17.10.2018 under Sections 302/34 of the Indian Penal Code. (G.R. Case No.2988 of 2018)

And

In Re: ***Atiyar Rahaman & Anr.***

... .. Petitioners

Mr. Jaydeep Biswas
Mr. Debangan Bhattacharjee
Mr. Samayun Middya
Mr. Kaushik Ghosh
Mr. Manish Biswas

... .. for the petitioners

Mr. Uday Sankar Chattopadhyay
Mr. Suman Sankar Chatterjee
Mr. Santanu Majhi
Ms. Trisha Rakshit

... .. for the de-facto complainant

Mr. Madhusudan Sur .. Id. Addl. Public Prosecutor
Mr. Dipankar Paramanick

... .. for the State

It is submitted on behalf of the petitioners that they were enlarged on bail earlier which came to be cancelled in 2022. Thereafter, they are in custody for about 371 days. Accordingly, they pray for bail.

Learned Additional Public Prosecutor opposes the prayer for bail and submits trial has commenced and date has been fixed for examination of prosecution witnesses.

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

We have considered the materials on record. There are ample materials connecting the petitioners with the murder. Offences, if proved, would attract mandatory life imprisonment. Trial has already commenced and date has been fixed for examination of prosecution

witnesses. Under such circumstances, we are of the opinion enlargement of the petitioners on bail would hinder the progress of trial. Hence, this is not a fit case to grant bail to the petitioners at this stage.

The application for bail is thus rejected.

Trial court is directed to expedite the trial 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 a copy of this order to the trial court for due compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)