

24.07.2023.
22.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 2814 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.254 of 2017 dated 22.08.2017 under Sections 498A/302/304B/34 of the Indian Penal Code.

In the matter of : Kangali Roy.

... Petitioner.

Ms. Sananda Bhattacharyya.

...for the Petitioner.

Mr. Saswata Gopal Mukherji,
Mr. Partha Pratim Das,
Mrs. Manasi Roy.

...for the State.

Petitioner is in custody for more than five years. He submits there is delay in trial. He prays for bail.

Learned Advocate for the State draws our attention to the dying declaration of the victim. He contends nine out of fourteen witnesses have already been examined.

We have considered the materials on record. Dying declaration of the victim implicates the petitioner in the murder. Offences, if proved, would attract mandatory life imprisonment. Trial has considerably progressed and nine witnesses have been examined.

Under such circumstances, we are not inclined to enlarge the petitioner on bail.

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

We request the trial court to conduct the trial with utmost expedition by fixing schedules at short intervals and conclude the same at an early date 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.)