

**17.07.2023**  
Sl. No.58  
**akd**  
[Rejected]

**C. R. M. (DB) 2825 of 2023**

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 07.07.2023 in connection with Deganga Police Station Case No.208 of 2022 dated 28.03.2022 under Sections 302/376A/201 of the Indian Penal Code.

And

In Re: ***Johar Ali***

... .. Petitioner

Mr. Sumanta Chakraborty

... .. for the petitioner

Mr. Neguive Ahmed .. Id. Addl. Public Prosecutor

Ms. Trina Mitra

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than a year. It is further submitted trial is progressing at a slow pace. Accordingly, he prays for bail.

Learned Additional Public Prosecutor opposes the prayer for bail and submits there are ample circumstantial evidence including DNA report which implicates the petitioner in the crime.

We have considered the materials on record. Petitioner is charged with rape and murder. His bail prayer was rejected earlier on merits in October, 2022. Since then trial has progressed and six witnesses have been examined. Under such circumstances and in view of gravity of the offence, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is thus rejected.

We note prosecution proposes to examine a large number of witnesses. To expedite the trial, we direct the trial court to fix schedules at short intervals and conclude the trial 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.)**