

26.07.2023.
14.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 2854 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Ekbalpore P. S. Case No.78 dated 11.03.2012 under Sections 302/34 of the Indian Penal Code.

In the matter of : Firoj Alam @ Sanjay @ Kana.

... Petitioner.

Mr. Sandip Kr. Bhattacharya,
Mr. Dipta Dipak Banerjee.

...for the Petitioner.

Mr. Nguive Ahmed, Id. A.P.P.,
Ms. Trina Mitra.

...for the State.

Report is placed on record. The health condition of the petitioner is stable and he has been discharged from hospital.

Learned Advocate for the petitioner submits his client is suffering from chronic kidney ailments and prays for interim bail.

We have considered the materials on record. Though petitioner is in custody for 11 years, trial is at its fag end. Date was fixed for examination under Section 313 of the Code of Criminal Procedure. After completion of examination under Section 313 of the Code of Criminal Procedure, defence prayed for recall of the post mortem doctor and investigating officer. Though date was fixed for examination of the investigating officer he could not be done, as the trial court was lying vacant and the Judge-in-charge was engaged with his file. Next date has been fixed on 3rd August, 2023.

In view of the aforesaid materials on record and as the offences if proved, would attract mandatory life imprisonment, we are not inclined to grant bail to the petitioner at this stage.

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

We request the Judge-in-charge to record the evidence of the witnesses on recall at the earliest subject to the pendency in his file.

In the event the medical condition of the petitioner deteriorates, it shall be open to him to seek appropriate medical intervention including institutional treatment, if necessary. Trial Judge shall monitor the same.

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

With these observations, the application for bail is rejected at present.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)