

25.07.2023

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rejected

C.R.M. (DB) No. 2939 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Posta Police Station Case No. 376 of 2015 dated 18.12.2015 under Sections 302/393/394/460/34 of the Indian Penal Code.

And

In Re : Rajib Kumar @ Rajeev Kumar petitioner

Mr. Pawan Kumar Gupta

Ms. Sofia Nesar

... for the petitioner

Mr. Sudip Ghosh

Mr. Koushik Kundu

... for the State

Learned Counsel for the petitioner submits he is in custody for more than seven years. There is delay in trial. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits petitioner and others committed murder in the course of robbery.

We have considered the materials on record. Allegations are very grave. Trial is in progress. 13 witnesses have already been examined and date for cross-examination of PW 14 is fixed. Chronology of dates placed before us show defence had also contribution to the delay. Hence, we are not inclined to grant bail to the petitioner on the ground of delay.

The application for bail is, thus, rejected.

Trial court is directed to take all endeavour to complete the trial on a priority basis by fixing schedules at short intervals preferably within one year from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)