

27.07.2023

Sl. No.26

as

[Rejected]

C. R. M. (DB) 2974 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 24.07.2023 in connection with Duttapukur Police Station Case No. 338 of 2020 dated 03.05.2020 under Sections 341/326/323/307/34/302 of the Indian Penal Code.

And

In Re: ***Hafijul Haque @ Islam***

... .. Petitioner

Mrs. Nasra Ali Rahaman

... .. for the petitioner

Mr. Satyam Mukherjee

Mr. Soumyadeep Mukherjee

... .. for the de-facto complainant

Mr. Nguive Ahmed .. Id. Addl. Public Prosecutor

Ms. Amita Gaur

... .. for the State

It is submitted on behalf of the petitioner that there is delay in trial. Accordingly, he renews his prayer for bail.

Learned Additional Public Prosecutor opposes the prayer for bail and submits trial is in progress.

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

We have considered the materials on record. There are ample materials implicating the petitioner in the murder. Trial is in progress. Witnesses have already been examined. Presently the court is lying vacant and delay cannot be attributed to the prosecution. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is thus rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

