

31.07.2023
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rejected

C.R.M. (DB) No. 2996 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nakashipara Police Station Case No. 433 of 2021 dated 25.08.2021 under Sections 302/201/34 of the Indian Penal Code.

And

In Re : Chander Ali Baidya @ Chander Alo @ Chand @ Chand Ali Baidya & Anr. petitioners

Mr. Kusal Kumar Mukherjee

Mr. Pranidhi Singh

... for the petitioners

Mr. Neguive Ahmed, learned APP

Ms. Trina Mitra

... for the State

Learned Counsel for the petitioners submits PW 1 has not implicated them in the crime. They renew their bail prayer.

Learned Counsel for the State opposes the prayer for bail and submits bail prayer of the petitioners was rejected earlier on merits. Trial is in progress.

We have considered the materials on record. Bail prayer of the petitioners was rejected earlier on merits in September, 2022. Trial is in progress. Piecemeal assessment of the evidence of a prosecution witness to determine culpability is not advisable. Under such circumstances, we do not wish to release the petitioners on bail on the impact of the evidence of PW 1 only.

The application for bail is, thus, rejected.

Trial court is directed to expedite the trial and conclude the same as early as possible without granting unnecessary adjournment to either of the parties.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)