

03.08.2023.  
16.  
Ct.No.28  
as  
(Rejected)

**C.R.M. (DB) 3066 of 2023**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Burtolla P. S. Case No.161 of 2022 dated 24.07.2022 under Sections 302/394/34 of the Indian Penal Code.

In the matter of : Suraj Singh.

... Petitioner.

Mr. Sourav Chatterjee,  
Mr. Sunny Nandy,  
Ms. Riya Das.

...for the Petitioner.

Mr. Neguive Ahmed, Id. A.P.P.,  
Ms. Amita Gaur.

...for the State.

Petitioner is in custody for 363 days. He submits he is not the principal offender. Weapon of offence was not recovered from him. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits petitioner and the principal offender visited the victim who was a sex worker. Thereafter, she was murdered. Weapon of offence was recovered from the co-accused. Trial has commenced.

We have considered the materials on record. There are materials to show petitioner was present at the place of occurrence when the victim was murdered. *Prima facie* materials on record show sharing of common intention between petitioner and co-accused. Trial has already commenced.

Under such circumstances and in view of gravity of offence, we are not inclined to grant bail to the petitioner.

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

Trial court is requested to conclude the trial as expeditiously as possible preferably within two years from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

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

**(Gaurang Kanth, J.)**

**(Joymalya Bagchi, J.)**