

03.08.2023.
21.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 3071 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Farakka P. S. Case No.430 of 2017 dated 10.12.2017 under Sections 498A/304B of the Indian Penal Code.

In the matter of : Asirul Sk. @ Gobna.

... Petitioner.

Mr. Sandip Chakraborty.

...for the Petitioner.

Mr. Saswata Gopal Mukherji, Id. P.P.,

Mr. Partha Pratim Das,

Mrs. Manasi Roy.

...for the State.

Petitioner is in custody for more than five years. He submits there is delay in trial. He renews his bail prayer.

Learned Advocate for the State opposes the bail prayer. He submits dying declaration of the housewife implicates the petitioner in the murder. Prayer has been made to amend the charge and add Section 302 of the Indian Penal Code in the array of charges.

We have considered the materials on record. 12 out of 14 witnesses have already been examined. Dying declaration has been exhibited and implicates the petitioner.

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 consider the issue of re-framing of charge under Section 260 of the Code of Criminal Procedure and to take the proceeding to its logical conclusion as

expeditiously as possible preferably within a year from the date of re-framing of charge 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.)