

03.08.2023
Sl. No.26
akd
[Rejected]

C. R. M. (DB) 3076 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 31.07.2023 in connection with Saktipur Police Station Case No.237 of 2015 dated 06.11.2015 under Sections 302/326/307 of the Indian Penal Code and Sections 3/4 of the Explosive Substances Act.

And

In Re: **Asmat Sk.**

... .. Petitioner

Mr. Somnath Adhikary

... .. for the petitioner

Mr. Neguive Ahmed .. Id. Addl. Public Prosecutor

Ms. Amita Gaur

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about seven years. Accordingly, he prays for bail.

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

We have considered the materials on record. There are ample evidence implicating the petitioner in the murder. Delay in the matter cannot be wholly attributed to the prosecution. Petitioner had repeatedly delayed the proceeding by praying for recalling of witnesses. Offences, if proved, would attract mandatory life imprisonment. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage either on merits or on the ground of inordinate delay.

The application for bail is thus rejected.

Trial court is directed to conclude the trial at an early date 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)