

18.12.2023.
59.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 3347 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kasba P. S. Case No.07 of 2016 dated 05.01.2016 under Sections 302/394 of the Indian Penal Code.

In the matter of : **Sunil Singh Chowhan @ Sanjay Kumar.**
... Petitioner.

Mr. Sataroop Purukayastha,
Ms. Jagriti Bhattacharyya.

...for the Petitioner.

Mr. Sudip Ghosh,
Mr. Koushik Kundu.

...for the State.

1. Petitioner is in custody for more than seven years. He contends co-accused is on bail. He prays for bail on the ground of delay.
2. Learned Advocate for the State opposes the bail prayer. He submits trial is at its fag end. Date has been fixed for examination of the accused under Section 313 of the Code of Criminal Procedure.
3. We have considered the materials on record. Though petitioner has suffered incarceration for a considerable period of time, we note trial is at its fag end.
4. In view of progress in trial since May, 2023 when co-accused was enlarged on bail, we do not wish to enlarge the petitioner on bail on parity.
5. Accordingly, the prayer for bail of the petitioner is rejected.

6. We request the Trial Court to conclude the trial positively within six months from the next date fixed for examination of the accused under Section 313 of the Code of Criminal Procedure.

7. Parties shall communicate this order to the Trial Court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)