

29.09.2023.
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Ct.No.28.
sayandeep
(Rejected)

C.R.M. (DB) 3372 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Habra P.S. Case No. 314 of 2017 dated 28.04.2017 under Sections 302 of the Indian Penal Code.

In the matter of : **Abhijit Dev@Avijit**

.... Petitioner.

Mr. Angshuman Chakraborty

...for the Petitioner.

Mr. Swapan Banerjee

Mr. Anindya Sundar Chatterjee

...for the State.

1. Petitioner submits that he is in custody for more than 6 years. He submits in spite of direction given by this Court in 21st December, 2020, trial has not concluded till date.
2. Learned lawyer for the State submits that trial at its fag end. Investigating officer is being examined. Delay was due to non-availability of judicial personnel in the Court.
3. We have considered materials on record. Statements of witnesses implicate the petitioner in the murder. Offences if proved, would attract mandatory life imprisonment. Trial has substantially progressed and most of the witness have already been examined. Presently, 2nd investigating officer is being examined.
4. Accordingly, we are not inclined to grant bail at this stage.
5. We request the trial Court to hold trial on a day to day basis and conclude the same preferably within 6 months

from the next date fixed for recording evidence without giving unnecessary adjournment to either of the parties.

6. Parties shall communicate this order to the trial Court.

7. Presence of the I.O. is noted and dispensed with.

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

(Partha Sarathi Sen, J.)

(Joymalya Bagchi, J.)