

14.09.2023
Sl. No.20
akd
[Rejected]

C. R. M. (DB) 3456 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 25.08.2023 in connection with Chitpur Police Station Case No.272 of 2017 dated 03.11.2017 under Section 302 of the Indian Penal Code.

And

In Re: ***Sanjoy Mistry***

... .. Petitioner

Ms. Devi Priya Mitra

... .. for the petitioner

Ms. Zareen N. Khan
Mr. Arup Sarkar

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than five years. Accordingly, he prays for bail.
2. Report is placed on record. From the report it appears the vital witnesses to prove the circumstances are yet to be examined.
3. We have considered the materials on record. Case is based on circumstantial evidence i.e. last seen together and incriminating articles. Alleged offence, if proved, would attract mandatory life imprisonment. Possibility of influence on the prosecution witnesses if the petitioner is released on bail cannot be ruled out. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.
4. The application for bail is thus rejected.
5. Trial court is directed to conduct the trial with utmost expedition by fixing schedules at regular intervals and conclude the same at an early date preferably within one year from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)