

19.09.2023
tkm/ct 28
sl no. 37

C.R.M. (DB) 3519 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Ratua P.S. Case No. 230 of 2019 dated 1.6.2019 under section 302 IPC

and

In Re : Jainul Mia petitioner

Mr. S Chatterjee
Mr. Anupam Das
Ms. Sucheta Banerjee

..... for the petitioner

Mr. P p das
Ms. Manasi Roy

..... for the State

1. Petitioner is in custody for more than four years. He contends there is delay in trial. He renews his bail prayer.
2. Learned lawyer for the State opposes the bail prayer. He contends delay was at the behest of defence who prayed for deferment of cross examination of the witnesses. 11 prosecution witnesses have already been examined.
3. We have considered the materials on record. Dying declaration of the victim implicates the petitioner. Trial has considerably progressed and 11 witnesses have been examined. Delay in the matter is primarily on the premise that defence sought deferment of cross examination. This necessitated repeated attendance of witnesses.
4. Under such circumstances and in view of the gravity of offence which if proved would attract mandatory life imprisonment, we are not inclined to grant bail to the petitioner at this stage.
5. Accordingly, the prayer for bail is rejected.

6. Trial court is directed to expedite the trial and conclude the same at early date.

(Ajoy Kumar Mukherjee, J.)

(Joymalya Bagchi, J.)