

13.09.2023

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rejected

C.R.M.(DB) No. 3550 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with West Port Police Station Case No. 03 dated 02.01.2018 under Sections 302/201/34 of the Indian Penal Code.

And

In Re : Md. Babar Khan petitioner

Mr. Sandip Kumar Bhattacharya
Mr. Dipta Dipak Banerjee
....for the petitioner

Mr. Ranabir Roy Chowhdury
Mr. Mainak Gupta
.... for the State

1. Learned Counsel for the petitioner submits he is in custody for more than five years. There is delay in trial. He prays for bail.

2. Learned Counsel for the State opposes the prayer of bail and submits 17 witnesses have already been examined.

3. We have considered the materials on record. Allegations are grave and materials on record implicate the petitioner in the offence of murder. Offence, if proved, would attract mandatory life imprisonment. 17 witnesses have already been examined and there is likelihood that trial will conclude in the near future. Under such circumstances and in view of gravity of the offence, 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 conclude the trial as expeditiously as possible preferably within two years from the next

date fixed of recording evidence without granting unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)