

26.09.2023

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rejected

C.R.M.(DB) No. 3733 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Debra Police Station Case No. 448 of 2020 dated 20.10.2020 under Sections 461/379/395 of the Indian Penal Code.

And

In Re : Rohish Khan @ Raish Khan @ Md. Raish Khan @ Mustak @ Mullaji Petitioner

Mr. Anand Keshari
Ms. Sutapa Ghosh (Bose)
....for the petitioner

Mr. Madhusudan Sur, learned APP
Mr. Dipankar Pramanick
..... for the State

1. Learned Counsel for the petitioner submits he is in custody for more than 747 days. It is also submitted that one of the witnesses who identified the petitioner in the test identification parade has not identified him in Court. He prays for bail.

2. Learned Counsel for the State opposes the bail prayer and submits another witness who has identified the petitioner in test identification parade is yet to be examined.

3. We have considered the materials on record. Allegations involve theft of money from ATM counter. Trial is in progress. One vital witness who identified the petitioner in test identification parade is yet to be examined. Hence, we are not inclined to grant bail to the petitioner.

4. The application for bail is, thus, rejected.

5. We request the trial court to conduct the trial with expedition 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 parties.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)