

18.10.2023.  
38.  
Ct.No.28  
As  
(Rejected)

**C.R.M. (DB) 4090 of 2023**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Asansol North P. S. Case No.256 of 2021 dated 30.08.2021 under Sections 302/201/120B of the Indian Penal Code.

In the matter of : **Amit Kumar Gupta @ Amit Gupta.**  
... Petitioner.

Mr. Asraf Mandal.

...for the Petitioner.

Mrs. Anasuya Sinha,  
Ms. Sayanti Santra.

...for the State.

1. Petitioner submits that the evidence on record does not unerringly establish his guilt. He prays for bail.

2. Learned Advocate for the State opposes the bail prayer. He submits trial is at its fag end. Examination of the Investigating officer is scheduled in November, 2023.

3. We have considered the materials on record. Evidence of the mother of the deceased shows the deceased went to the residence of the petitioner. Subsequently, his body was recovered from the river. Post mortem report shows his hands and legs were tied and he had drowned. These incriminating circumstances establish a case of homicidal death. Trial is at its fag end.

4. In view of the aforesaid and as the offences if proved would attract mandatory life imprisonment, we are not inclined to grant bail to the petitioner.

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

6. We clarify the observations made by us are tentative and have been made for the purpose of disposal of the application for bail and shall not have any bearing on the Trial Court who shall independently assess the evidence in accordance with law.

7. We request the Trial Court to expedite the trial and conclude the same at an early date preferably within six months from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

8. Parties shall communicate this order to the Trial Court for due compliance.

**(Gaurang Kanth, J.)**

**(Joymalya Bagchi, J.)**