

01.12.2023
Sl. No.50
akd
[Rejected]

C. R. M. (DB) 4324 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 26.10.2023 in connection with Raina Police Station Case No.58 of 2021 dated 09.03.2021 under Sections 302/394/34 of the Indian Penal Code and Sections 27/35 of the Arms Act. (G.R. Case No.1238 of 2021)

And

In Re: ***Jayanta Kumar Santra***

... .. Petitioner

Mr. Uday Sankar Chattopadhyay
Ms. Trisha Rakshit
Ms. Rajashree Tah
Ms. Aishwarya Datta

... .. for the petitioner

Mr. Prasun Kumar Datta .. Id. Addl. Public Prosecutor
Mr. Swapan Banerjee
Mr. Nirupam Dhali

... .. for the State

1. It is submitted on behalf of the petitioner that seven witnesses have been examined but none of them have identified the petitioner. PW 1 is a vital witness who claims he saw a miscreant running out of the house. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits other vital witnesses who had seen the miscreant are yet to be examined.
3. We have considered the materials on record. Trial is in progress. Complicity of the petitioner requires to be considered in the light of the entire evidence on record. Vital witnesses who claim they had seen the miscreant and had identified the petitioner in course of Test Identification Parade are yet to be examined. 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 examine two vital witnesses viz. Sk. Sabir Ali and Dipa Ghosh at the earliest.
6. Parties shall communicate a copy of this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)