

8 12.12.2023
(AD) Court No.5
(Rejected)

C.R.M. (DB) 4341 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Nanoor** P.S. Case No.**88 of 2021** dated **20.05.2021** under Sections **302** of the Indian Penal Code, 1860 in G.R. Case No.553/2021.

And

In the matter of: Saheb Sk

....petitioner.

Mr. Nikhil Gupta
Mr. Sabara Khatun

...for the petitioner.

Mr. Swapan Banerjee
Mr. Subrata Roy

... for the State.

Petitioner renews the prayer for bail.

Learned Advocate appearing for the petitioner submits that the petitioner is in custody for two and half years and that there is hardly any possibility of the trial concluding any time soon.

Learned Advocate appearing for the State submits that the trial commenced and that the prosecution is to produce the witnesses. He submits that the next date is January 15, 2014 for recording the evidence of the prosecution.

The materials in the case diary suggest that there is an oral dying declaration implicating the petitioner in the murder. There are eye-witness accounts which implicate the petitioner in the murder.

In such circumstances, we are unable to grant bail to the petitioner.

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

We, however, request the learned Trial Court to invoke provisions of Section 309 of the Code of Criminal Procedure and expedite the trial to the extent possible. He is also requested not to grant any unnecessary adjournments to any of the parties.

C.R.M. (DB) 4341 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)