

20.12.2023.
46.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 4475 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Shibpur P. S. Case No.161 of 2020 dated 05.06.2020 under Sections 302/201 of the Indian Penal Code.

In the matter of : **Sukanta Sahoo @ Sukanta Kumar Sahoo.**

... Petitioner.

Mr. Sandipan Ganguly, Id. Sr. Adv.,
Mr. Sourav Chatterjee,
Mr. Arkadeb Bhattacharya,
Mr. Surojit Saha.

...for the Petitioner.

Mr. Ranabir Roy Chowdhury,
Md. Kutubuddin.

...for the State.

Mr. Surajit Basu.

...for the de-facto complainant.

1. Petitioner is in custody for more than three years. He contends there is slow progress in trial. He prays for bail. In spite of direction given by this Court trial has not concluded.

2. Learned Advocate for the State opposes the bail prayer.

3. Learned Advocate for the de-facto complainant also opposes the bail prayer.

4. We have considered the materials on record. There is evidence implicating the petitioner in the crime. Offence, if proved, would attract mandatory life imprisonment. Trial has substantially progressed and 17 witnesses have already been examined. On the other hand, the defence stance of seeking wholesale

adjournment of cross-examination had contributed to the delay.

5. Under such circumstances, it does not stand on the mouth of the petitioner that it is the prosecution who was singularly responsible for the delay. Trial has considerably progressed.

6. Hence, we are not inclined to grant bail to the petitioner.

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

8. Trial Court is directed to conduct the trial on a day to day basis and conclude the same at an early date without granting unnecessary adjournment to either of the parties.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)