

22.03.2023

Sl. No.1
[Rejected]
sdas

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C. R. M. (DB) 144 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Madarihat Police Station Case No. 29 of 2022 dated 01.02.2022 under Sections 376/302 of the Indian Penal Code.

And

In Re: Ajmaha Alam @ Ajmahal

... .. Petitioner

Ms. Devi Priya Mitra

... .. for the petitioner

Mr. Aditi Shankar Chakraborty, learned APP

Mr. Nilay Chakraborty

Mr. Arjun Chowdhury

..... for the State

Learned Counsel for the petitioner submits he is in custody for more than a year. It is also submitted that there is no legally admissible evidence connecting him with the murder and rape only. 2 out of 24 witnesses have been examined. There is no possibility of trial concluding in the near future. Accordingly, he prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits petitioner was seen coming out of the jungle i.e. the site of crime. On his leading statement weapon of offence was recovered. Trial is in progress.

We have considered the materials on record. Prosecution case involves brutal murder and rape of a lady. Petitioner was seen coming out of the jungle where the incident occurred. On his leading statement weapon of offence was recovered. There are materials connecting the petitioner with the murder. Trial is in progress. Under

such circumstances particularly gravity of the offence, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is thus rejected at this stage.

Trial court is requested to expedite the trial and conclude the same at an early date without granting unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)