

29.02.2024

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sdas
rejected

C.R.M.(DB) No. 422 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Harischandrapur Police Station Case No. 236 of 2019 dated 30.04.2019 under Section 302 of the Indian Penal Code.

And

In Re : Nagar Das @ Budhua Das @ Motilal Das petitioner

Mr. Soupal Chatterjee

Mr. Prabir Das

Ms. Sucheta Banerjee

....for the petitioner

Mr. Antarikhya Basu

... for the State

1. Supplementary affidavit filed in Court be placed on record.
2. Learned Counsel for the petitioner submits he is in custody for more than four years but witnesses have not been examined.
3. Learned Counsel for the State opposes the prayer for bail.
4. We have considered the materials on record. Delay was due to systematic reasons i.e. non-availability of Presiding Officer and non-production of the accused from the correctional home. Prosecution is not responsible for the delay. Eye-witnesses had seen the petitioner behead the victim. Offences, if

proved, would attract mandatory life imprisonment. Under such circumstances, we are not inclined to grant bail to the petitioner.

5. Application for bail is, thus, rejected.

6. Trial Court is, however, directed to ensure the examination of the witnesses with utmost promptitude and conclude the trial at an early date preferably within two years from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

7. Parties shall co-operate with the trial and communicate this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)