

30.04.2024
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rejected

C.R.M.(DB) No. 1156 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chapra Police Station Case No. 188 of 2017 dated 14.07.2017 under Sections 302/120B/34 of the Indian Penal Code.

And

In Re : Shankar Biswas @ Sankar Biswas & Ors. Petitioners

Mr. Sumanta Das

....for the petitioners

Mr. Antarikhya Basu

Ms. Amrita Tiwari

..... for the State

1. Learned Counsel for the petitioners submits they are in custody for more than six years. It is also submitted there is no possibility of trial concluding in the near future. They pray for bail on the ground of delay in trial.

2. Learned Counsel for the State opposes the bail prayer and submits eight witnesses have already been examined. Prosecution proposes to examine ten more witnesses.

3. We have considered the materials on record. Case is based on oral dying declaration to the witnesses. They supported the prosecution case in Court. Offences, if proved, would attract mandatory life imprisonment. Bail prayer of the petitioners was rejected earlier on merits. Prosecution assures to complete trial within one year from the next date fixed for recording evidence subject to co-operation by defence and

systemic reasons. Under such circumstances we are not inclined to grant bail to the petitioners.

4. Application for bail is, thus, rejected.

5. Trial court is directed to conduct the trial with utmost expedition and conclude the same within one year from the next date fixed for recording evidence in the light of the assurance given by the prosecution.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)