

30.04.2024
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sdas
rejected

C.R.M.(DB) No. 1264 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nadial Police Station Case No. 180 of 2019 dated 06.12.2019 under Sections 302/201/34 of the Indian Penal Code.

And
In Re : Shahnawaz Ahmed @ Jadu petitioner

Mr. Sabyasachi Banerjee
Mr. Apalak Basu
Mr. Nazir Ahmed
....for the petitioner

Ms. Amita Gaur
Ms. Sudeshna Das
... for the State

1. Learned Counsel for the petitioner submits he is in custody for four years. Prosecution witnesses have turned hostile. Accordingly, he prays for bail.

2. Learned Counsel for the State submits report and opposes the bail prayer.

3. We have considered the materials on record. Five witnesses have been examined till date. Most of them are official witnesses. De facto complainant has turned hostile. But it is relevant to note number of witnesses who had seen the petitioner along with deceased in the vehicle prior to the incident are yet to be examined. Possibility of winning over the witnesses if petitioner is released on bail cannot be ruled out. Under such circumstances, we are not inclined to grant bail to the petitioner till the important witnesses are examined.

4. Application for bail is, thus, rejected.

5. Prosecution is directed to examine the vital witnesses at the earliest.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)