

11.06.2024
Item no.25.
Court No.28.
S. De
(Rejected)

CRM (DB) No. 1559 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 10.05.2024 in connection with Polba Police station Case No. 155 of 2020 dated 18.10.2020 under Sections 323/325/307/302 of the Indian Penal Code.
And

In the matter of : Mahamad Gafur @ Md. Gafur.

.....Petitioner.

Mr. Somnath Adhikary,
Mr. Arunava Gangully,
.....for the Petitioner.

Mr. Joydeep Roy,
Mr. Arup Sarkar,for the State.

The charge is of murder. No doubt it is a grave charge.

The petitioner says that he has been falsely implicated. He is in custody for more than three and a half years. Only eight out of 25 witnesses have been examined. There is no possibility of early conclusion of the trial. He should be enlarged on bail on such condition as this Court may deem fit and proper.

Learned advocate for the State produces the case diary and draws our attention to the material therein. He shows us statements of witnesses recorded under Sections 164, 161 of the Code of Criminal Procedure. According to such statements, the petitioner was last seen with the deceased/victim. Further, the offending weapon was recovered pursuant to the statement made by the petitioner. He says that schedule of examination of

witness has been prepared by the learned Trial Court and eight witnesses are scheduled to be examined on June 20, 21, 24 and June 25, 2024. Learned advocate says that in view of the gravity of the alleged offence and the availability of prima facie incriminating evidence against the petitioner, the prayer for bail should not be granted.

Having considered the rival contentions of the parties and the progress of the trial as also in view of there being prima facie incriminating material against the petitioner and the charge being of very grave nature, we are not inclined to allow the petitioner's prayer for bail at this stage.

However, keeping in mind that the petitioner has been in incarceration for more than three and a half years, it is desirable that the trial is concluded as early as possible and preferably within a period of one year from the date of communication of this order to the learned Trial Court. In the event the trial is not being concluded within the aforesaid time period, the petitioner may renew his prayer for bail.

The application for bail is, accordingly, rejected.

CRM (DB) 1559 of 2024 is dismissed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)