

CRM (DB) 1611 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Samsherganj Police Station** Case No. **147 of 2023** dated **19.05.2023** under Section **302** of the Indian Penal Code.

- A n d -

In the matter of : Hazrat Ali alias Hajrat Ali

.... Petitioner.

Mr. Kusal Kumar Mukherjee,
Mr. N. Acharyya,

... For the Petitioner.

Mrs. Amita Gour,
Mr. T. Dhali,

... For the State.

The petitioner renews his prayer for bail. The prayer was rejected by an order dated January 5, 2024, whereby a Coordinate Bench rejected his earlier bail application being CRM (DB) 2 of 2024.

The petitioner says that the charge of murder does not lie against him. There was a quarrel between him and his elder brother pertaining to their father's property. In the heat of the moment, the petitioner dealt a blow on his elder brother which caused his death. He had no intention of killing his brother. There was no premeditated plan on his part to cause any harm to his brother.

Learned Advocate for the State produces the case diary and draws our attention to the relevant materials therein. She shows us the post mortem report. The report says that the death of the victim was due to cutting of air tube by sharp cutting

instrument. The offending weapon being a dragger was recovered from the closet of the petitioner.

We are told that the trial is in progress. The progress is satisfactory. Seven out of 23 witnesses have been examined already. On an overall assessment of the materials on record and the gravity of the alleged offence and in view of the prima facie incriminating material against the petitioner, we are not inclined to allow the petitioner's prayer for bail at this stage.

However, since the petitioner has been in custody for more than one year, we request the learned Trial Court to expedite the trial to the extent the business of the court may permit.

CRM (DB) 1611 of 2024 is, thus, disposed of.

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.)