

8.
06-12-2024
(ct. no.29)
debajyoti
(rejected)

CRM (DB) 2434 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Nalhati Police Station Case No.135 of 2023 dated 24-04-2023 under Sections 302/34/120(B) of the Indian Penal Code.

- A n d -

In the matter of : Gora Khan

.... Petitioner.

Mr. Sabyasachi Chatterjee,
Mr. Debabrata Mondal,
Mr. Sukalyan Naskar,
Mr. Badrul Karim

... For the Petitioner.

Ms. Anasuya Sinha, learned APP,
Ms. Rituparna Saha

... For the State.

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail which was rejected on merits on December 21, 2023 by a coordinate Bench.

2. The petitioner says that the quality of the evidence that has come on record does not support the prosecution case. There is no eyewitness to the alleged incident of murder. The entire case is based on circumstantial evidence. In any event, the evidence that has been brought on record till now, does not implicate this petitioner. He is in custody for one year seven months. There is no possibility of an early

conclusion of the trial given the number of charge sheet named witnesses. He prays for bail.

3. Opposing the prayer, learned State counsel tells us that after the earlier rejection of the petitioner's prayer for bail, 21 witnesses have been examined. Till now, in all, 25 witnesses have been examined. The prosecution should examine approximately 9 more witnesses. The prosecution is not going to examine all 62 charge sheet named witnesses. The trial should be concluded within a reasonable period of time.

4. We have considered the rival contentions of the parties. The evidence that so far has been recorded by the learned trial Court, *prima facie*, implicates this petitioner. Although, the petitioner questions the quality of the evidence, the same should be urged at the trial and not before us. The petitioner will be free to do so.

5. This is not a case where it can be said that the trial has not progressed. Charge was framed on October 12, 2023. Within a year and a month, 25 witnesses have been examined. It is true that the petitioner is in custody for about 1 year 7 months. However, there are certain cases requiring examination of a number of witnesses. It certainly cannot be said that the trial is stagnant.

6. Considering the *prima facie* incriminating material against the petitioner and that the trial is progressing at a satisfactory rate, and given the gravity of the alleged offence, we are not inclined to entertain the petitioner's application for bail, at this stage.

7. The application for bail is, thus, **dismissed**.

8. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

9. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)