

24.09.2024
Item no. 40.
Court No.28.
AB
(Rejected)

CRM (DB) 2512 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Sagar Police Station Case No.535 of 2022 Dated 28.11.2022 under Sections 498A/302 of the Indian Penal Code

And

In the matter of : Sk. Salenur @ Sk Sonenur

.....Petitioner.

Mr. Ayan Basu,
Mr. Sandip Kr. Mondal,
Mr. Sumit Routhfor the Petitioner.

Mr. Partha Pratim Das
Mr. Aslam Parvezfor the State.

Dictated by Apurba Sinha Ray, J.

1. Learned Counsel for the petitioner has submitted that the petitioner is in custody for one year and eight months. The petitioner is in no way involved in the commission of the alleged offence. His wife was murdered by someone else. The eyewitness being the son in law is an interested witness and his deposition cannot be believed. As there is no chance of early conclusion of the trial, the petitioner may be granted bail on any condition.
2. Learned Advocate for the State opposes the prayer for bail. According to him, there is sufficient incriminating material against the petitioner. The statements of the witnesses recorded under Section 164 Cr.P.C. as well as

the evidence of the P.W.1 show that there are sufficient incriminating materials against the present petitioner. If the petitioner is enlarged on bail, the prosecution may suffer.

3. We have gone through the materials on record and CD. We have also taken into consideration the deposition of the P.W.1. We find that there are incriminating materials against the petitioner. Hence, we are not inclined to enlarge the petitioner on bail.
4. The prayer for bail stands rejected, at this stage.
5. CRM (DB) 2512 of 2024 stands dismissed.
6. However, as the petitioner has been languishing in the judicial custody for more than one year eight months, we request the learned Trial Court to conclude the trial as expeditiously as possible and preferably within a year from the next date fixed for recording of evidence.
7. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)

