

18.11.2024
Item no. 33.
Court No.29.
AB
(Rejected)

CRM (DB) 2696 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 Eco Park P. S. Case No.72 of 2022 Dated 1.4.2022 under Section 302/201/120B of the Indian Penal Code

And

In the matter of : Md. Hasrat Hussain @ Hossain

.....Petitioner.

Md. Khairul,
Ms. Shabab Alam for the Petitioner.

Mr. Saibal Bapuli, Id. APP
Ms. Nandini Chatterjee.....for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail, which was last rejected on October 26, 2023. He says that he is in custody for more than two years and seven months. He has been falsely implicated. He should be granted bail. A co-accused person, being his brother, is also on bail. There is no chance of the petitioner absconding.
2. Opposing the prayer, learned Additional Public Prosecutor draws our attention to the depositions of witnesses so far examined. Prima facie, the evidence on record implicates this petitioner, who appears to be the prime accused. 28 out of 30 charge sheet named witnesses have already been examined. December 11, 2024, is the date fixed for cross-examination of the Investigating Officer.

3. We see that the trial is on the verge of conclusion. Evidence, prima facie, is against this petitioner. If convicted, he will have to undergo mandatory life imprisonment.
4. In view of the aforesaid, we are not inclined to allow the petitioner's prayer for bail, at this stage.
5. The prayer for bail is rejected.
6. CRM (DB) 2696 of 2024 is dismissed.
7. However, considering the prolonged detention of the petitioner in judicial custody, we request the learned Trial Court to conclude the trial as soon as possible.
8. The parties shall communicate this order to the learned Trial Court.
9. 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.)