

CRM (DB) 3073 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Rajarhat Police Station** Case No. **225 of 2022** dated **26.06.2022** under Sections **376/302/201** of the Indian Penal Code.

- A n d -

In the matter of : Nur Mahammad Sk. @ Bishu @ Nur Mohammad Sk.

.... Petitioner.

Mr. Sabyasachi Mukherjee,
Mr. M Nandy,
Mr. M. Khanna,
Mr. A. Nandi,
Ms. P Dey,

... For the Petitioner.

Ms. Amita Gour,
Mr. M. Anuruzzaman,

... for the State.

Dictated by Arijit Banerjee, J.:-

1. The petitioner renews his prayer for bail which was rejected twice earlier and lastly on July 11, 2023. While rejecting the bail prayer on September 22, 2022, a Coordinate Bench observed as follows:-

“We have considered the materials on record. Petitioner was seen at the place of occurrence. A torn portion of his wearing apparel was recovered from the place of occurrence. Blood stain found on the said torn portion matches with that of the deceased. In view of the aforesaid incriminating circumstances and gravity of the offence, we are not inclined to grant bail to the petitioner at this stage.”

2. The petitioner says that he is in custody for about two years five months. Only 4 out of 30 charge sheet named witnesses have been examined. He renews his prayer for bail.

3. Learned State Advocate tells us that two vulnerable witnesses remain to be examined. At this stage, the petitioner should not be enlarged on bail.

4. We fail to understand why the vulnerable witnesses and crucial witnesses are not examined at the very beginning of the trial. Anyway, we are not inclined to entertain the petitioner's prayer for bail at this stage before the vulnerable witnesses are examined and also in view of the incriminating material against the petitioner as has been recorded by a coordinate bench in the order dated September 22, 2022, whereby the petitioner's first bail application was rejected.

5. CRM (DB) 3073 of 2024 is, thus, dismissed.

6. 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.)