

74.
23-12-2024
(ct. no.29)
debajyoti
(rejected)

CRM (DB) 3224 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kaliachak Police Station Case No.474 of 2023 dated 22-04-2023 under Sections 341/326/307/302/34 of the Indian Penal Code.

- A n d -

In the matter of : Nabab Sharif

.... Petitioner.

Ms. Sujata Das

... For the Petitioner.

Ms. Faria Hossain,
Ms. Trina Mitra

... For the State.

Mr. Samrat Choudhury

... For the defacto complainant.

Dictated by Partha Sarathi Sen, J.

1. The report as submitted today on behalf of the State is taken on record.

2. In support of the application for bail, learned advocate for the petitioner submits that considering the fact that the present accused petitioner is languishing in Judicial Custody for more than one year eight months, the instant application for bail may be considered favourably. It is further submitted that there is no chance for conclusion of the trial at an early date.

3. While opposing the prayer for bail, learned advocate for the State draws our attention to the statements of witnesses recorded under Section 164 of the Code of Criminal Procedure. It reveals from such report that the case before the learned trial Court is based on the eyewitness account wherein the involvement of the present accused petitioner is found to be *prima facie* prominent.

4. Considering the serious nature of the crime, we are not inclined to allow the prayer of the petitioner for bail. The prayer is considered and rejected, at this stage.

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

6. Before parting with, we feel it obligatory to request the learned trial Court to split up the trial, if not done in the meantime (since, as per report, one co-accused, namely, Joshi Sk. alias Joshimuddin is absconding) and to expedite the trial as far as possible.

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

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

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)