

22.10.2024
Sl. No.29
akd/AP
[Rejected]

C. R. M. (DB) 3574 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 24.09.2024 in connection with Titagarh Police Station Case No.504 of 2023 dated 08.11.2023 under Sections 302/34 of the Indian Penal Code. (G.R. Case No.9161 of 2023)

And

In Re: ***Hasan Raja @ Arman***

... .. Petitioner

Mr. Debasis Kar
Mr. Arkotilak Bhadra
Ms. Jagori Mitra

... .. for the petitioner

Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor
Ms. Nahid Ahmed

... .. for the State

1. This is an application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in respect of Titagarh Police Station Case No.504 of 2023 dated 08.11.2023 under Sections 302/34 of the Indian Penal Code.

2. Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is in custody for almost a year in connection with the instant case. He is renewing his prayer for bail. Till date only one witness being the de-facto complainant of the case has been examined in this case. If the evidence is carefully perused, it would appear that there is no eyewitness in the case. The de-facto complainant was surely not an eyewitness.

3. Learned counsel for the State relies on the case diary and vehemently opposes the prayer for bail. According to him, the petitioner

was the person who had shot the victim. There are several eyewitnesses to the incident.

4. It appears that the application for bail of the petitioner was rejected by a coordinate Bench of this court only on 19.07.2024 in CRM (DB) 1740 of 2024.

5. It also appears that a witness has been examined after the last rejection of the petitioner's bail application before this court.

6. Upon enquiry, learned counsel for the State submits that there are 27 witnesses mentioned by the prosecution in the charge sheet. However, it is also submitted on behalf of the State that the prosecution will not examine that many witnesses during trial.

7. Considering the incriminating materials appearing against the petitioner and the nature and gravity of the alleged crime, we are not inclined to grant bail to the petitioner at this stage.

8. The application for bail is thus rejected

9. Let the trial be expedited.

10. Criminal Section is directed to provide certified copy of this order, if applied for, to the parties upon completion of requisite formalities.

(Biswaroop Chowdhury, J.)

(Jay Sengupta, J.)