

30.01.2024.
18.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 4508 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nabagram P.S. Case No.35 of 2023 dated 06.02.2023 under Sections 341/325/326/307/302/34 of the Indian Penal Code.

In the matter of : **Firoj Sk. & Anr.**

... Petitioners.

Mr. Sekhar Kr. Basu, ld. Sr. Adv.,
Mr. Shiladitya Banerjee,
Mr. Abhijit Ganguly.

...for the Petitioners.

Mr. Neguive Ahmed, ld. A.P.P.,
Ms. Debjani Sahu.

...for the State.

1. Petitioners are in custody for more than 355 days.

It is contended they did not intend to murder the victim.

There is little possibility of trial concluding in the near future. Hence, they pray for bail.

2. Learned Advocate for the State opposes the bail prayer. He contends bail prayer of co-accused were rejected in July, 2023. Thereafter, charge has been framed and the date has been fixed for recording evidence.

3. We have considered the materials on record. Statements of witnesses implicate the petitioners in the assault. Charge has been framed and date has been fixed for recording evidence. It is strenuously argued that petitioners did not intend to murder and in view of large number of witnesses cited in the charge sheet, there is little possibility of trial concluding in the near future.

4. However, in the factual matrix of the case, we are of the opinion an opportunity ought to be given to the prosecution to conclude examination of witnesses.

5. Hence, we are not inclined to grant bail to petitioners at this stage.

6. Accordingly, the prayer for bail of petitioners is rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)