

03.01.2024
Sl. No.50
akd
[Rejected]

C. R. M. (DB) 4823 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 18.12.2023 in connection with Entally Police Station Case No.314 of 2022 dated 12.10.2022 under Sections 307/34 of the Indian Penal Code read with Sections 25(1B)(a)/27 of the Arms Act. (G.R. Case No.2548 of 2022)

And

In Re: ***Baburam Koyal @ Babai***

... .. Petitioner

Mr. Angshuman Chakraborty
Mr. Shashanka Shekhar Saha

... .. for the petitioner

Mr. Pravas Bhattacharya
Mr. Sujoy Sarkar

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about one year and three months. Co-accused viz. Sujoy Patra @ Sujay Patra has been enlarged on bail. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits bail prayer of another co-accused viz. Banty Patra was rejected by this court. Petitioner stands on the same footing with the said Banty Patra.
3. We have considered the materials on record. Co-accused viz. Sujoy Patra @ Sujay Patra was enlarged on bail in view of the scanty evidence on record so far as he is concerned. Petitioner has been identified by two witnesses viz. Md. Abid and Md. Nasim in Test Identification Parade like co-accused viz. Banty Patra whose bail prayer was rejected. These witnesses are yet to be examined. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.

4. The application for bail is thus rejected.
5. Trial court is directed to conduct the trial with utmost expedition and examine the witnesses at the earliest.
6. Parties shall communicate a copy of this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)