

16.05.2024
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rejected

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C.R.M.(DB) No. 215 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Madarihat Police Station Case No. 29 of 2022 dated 01.02.2022 under Sections 376/302 of the Indian Penal Code.

And

In Re : Ajmahal Alam @ Ajmaha Alam petitioner

Mr. Arnab Saha

....for the petitioner

Mr. Nilay Chakraborty, learned APP

Mr. Saikat Chatterjee

..... for the State

1. Learned Counsel for the petitioner submits there is slow progress in trial. He renews his bail prayer.

2. Learned Counsel for the State opposes the bail prayer and submits five witnesses have been examined. Delay is due to systemic reasons i.e. vacancy in the trial court.

3. We have considered the materials on record. It is alleged that petitioner had raped and murdered the victim. Trial is in progress. Delay is due to systemic reasons and cannot be attributed to the prosecution. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.

4. Application for bail is, thus, rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)