

CRM (DB) 3264 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Hariharpara Police Station** Case No. **32 of 2024** dated **22.01.2024** under Sections **302/34** of the Indian Penal Code.

- A n d -

In the matter of : Yusub Sk @ Seikh

.... Petitioner.

Mr. Sabyasachi Chatterjee,
Mr. Dinesh Chandra Mondal,
Mr. D. Mondal,
Mr. Kiran Sk,

... For the Petitioner.

Mr. Subhamoy Bhattacharyya,
Ms. D. Mondal,

... for the State.

Dictated by Apurba Sinha Ray, J:-

1. Learned Advocate for the petitioner submits that the petitioner is in custody for 11 months. Investigation is complete. Charge sheet has been submitted. One witness has already been examined and from the deposition of that witness it will be found that there is no material against the present petitioner. 38 more witnesses are yet to be examined and there is no chance of an early conclusion of the trial.

2. Learned State Advocate opposes the bail prayer. He submits that as per the leading statement of the present petitioner some incriminating materials including mobile phone and purse of the deceased have been recovered. Another accused person is still absconding and for which necessary coercive steps have been taken. For this reason there was some delay. However, if the petitioner is enlarged on bail, the prosecution may suffer.

3. We have considered the materials on record. It appears that within 11 months of the arrest of the present petitioner the

prosecution has already examined one witness out of 39 witnesses after framing of charge on November 12, 2024. Therefore, we cannot say that there is an inordinate delay in proceeding with the case. *Prima facie* there are sufficient incriminating materials against the present petitioner.

4. In view of the above, we are not inclined to enlarge the petitioner on bail, at this stage.

5. CRM (DB) 3264 of 2024 is, thus, dismissed.

6. However, considering that the petitioner has been in custody for quite some time, we request the learned Trial Court to expedite the trial and conclude the same as soon as possible.

7. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)