

17.01.2025
Item no. 75.
Court No.29.
AB
(Rejected)

CRM (DB) 3441 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Ghola Police Station Case No.01 of 2024 Dated 01.01.2024 under Sections 325/326/307/34/302 of the Indian Penal Code read with Section 25(1B/27(2)/35 of the Arms Act

And

In the matter of : Sajal Karmakar @ SajalPetitioner.

Mr. Ashish Bhattacharya
Mr. Sayan Chattopadhyay
Mr. M. A. Sonkarfor the Petitioner.

Mr. Saryati Dutta
Mr. Tirupati Mukherjeefor the State.

Dictated by Apurba Sinha Ray, J.

1. Learned Counsel for the petitioner has submitted that the petitioner is in custody for about one year and there is no material against him. The case is based on circumstantial evidence. He did not give any fatal blow to the injured or the deceased. As there is no chance of an early conclusion of the trial, he may be enlarged on bail on any condition.
2. Learned Counsel for the State opposes the prayer for bail. He has drawn our attention to the statement of a witness, namely, Biswajit Biswas, recorded under Section 164 Cr.P.C. showing that the present petitioner along with others assaulted the victim and the injured.

3. We have considered the materials on record. Out of 11 witnesses, 2 witnesses have already been examined. There are sufficient incriminating materials showing that the present petitioner was very much present at the time of the alleged incident and he also took part in the commission of the alleged offence. It cannot also be said that there is an inordinate delay in the progress of the trial.
4. In view of the aforesaid, we are not inclined to grant bail to the petitioner.
5. The prayer for bail stands rejected.
6. CRM (DB) 3441 of 2024 is dismissed.
7. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)