

D/L32

14.02.2025
Rohit
ct.no.26

C.R.M. (DB) 3692 of 2024

In Re: An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Panchasayar Police Station Case No. 20 of 2020 dated 17.03.2020 under Sections 302/324/34 of the Indian Penal Code.

And
In Re: **1. Tarak Patra @ Prem**

...Petitioner

Mr. Apalak Basu
Mr. Sayak Chakraborti
Mr. Shwashwitwik Chatterjee
Mr. Iswar Das

...for the petitioner

Mr. Saibal Bapuli
Mr. Parvej Anam

...for the State

1. Petitioner prays for bail on the ground of parity with co-accused who were enlarged on bail by the Co-ordinate Bench on September 2, 2024 passed in CRM (DB) 2140 of 2024 and on January 14, 2025 passed in CRM (DB) 3270 of 2024 as also on January 21, 2025 passed in CRM (DB) 3244 of 2024.
2. Learned Advocate appearing for the petitioner submits that the petitioner is in custody for a period in excess of the three other co-accused who were enlarged on bail by the Co-ordinate Bench. He points out that, delay in trial was one of the

primary grounds for grant of bail to the three other co-accused by the Co-ordinate Bench. Petitioner, therefore, stands on the same footing.

3. Learned Advocate appearing for the State submits that out of the three co-accused who were enlarged on bail by the Co-ordinate benches, one of them threatened the witnesses of the trial. A first Information Report was registered with regard thereto. He draws the attention of the Court to the fact that, the petitioner before Court was identified in a Test Identification Parade. According to him, petitioner played an active role in the murder.
4. Learned Advocate appearing for the petitioner draws the attention of the Court to the deposition of the mother of the victim at the trial. He submits that, there are 94 charge-sheeted witnesses.
5. Learned Advocate appearing for the State submits that, the prosecution is likely to conclude its evidence after examining at the highest 12 more witnesses.
6. Since the petitioner invited our attention to the deposition of one of the prosecution witnesses being P.W. 6 who is the mother of the victim, we perused the same. Mother of the victim implicates the petitioner before us in the murder. Active role is attributed by her so far as the petitioner is concerned.
7. Mother of the victim also attributed similar role to the three other co-accused who were enlarged on

bail by the Co-ordinate Benches on the ground of parity.

8. There is a First Information Report of an witness being threatened by one of the co-accused who was enlarged on bail by the Co-ordinate Bench.
9. Possibility of the petitioner misutilizing the liberty of bail, if granted, exist.
10. Trial is in progress. Prosecution is likely to adduce 12 more witnesses only. Co-ordinate Bench took into account a large number of charge-sheeted witnesses to arrive at the conclusion of the delay in trial.
11. The number of witness stands scaled down considerably by the prosecution. Therefore, there is every likelihood of an expeditious end to the trial.
12. In such circumstances, we are not inclined to grant bail to the petitioner.
13. Prayer for bail of the petitioner is **rejected**.
14. **C.R.M.(DB) No. 3692 of 2024** is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)