

24.03.2025
Item No.37
Court No.26
CHC
Rejected

CRM (DB) 4103 of 2024

In re : An Application for **Bail** under Section **483** of the Bharatiya Nagarik Suraksha Sanhita, 2023, corresponding to Section 439 of the Code of Criminal Procedure, 1973, in connection with **Posta** Police Station Case No. **376** of **2015** dated **18-12-2015** under Sections 302/393/394/460/34 of the Indian Penal Code, 1860.

-And-

In the matter of : **Rajib Kumar @ Rajeev Kumar**
... ..**Petitioner**

Mr. Pawan Kumar Gupta, Advocate
Ms. Sofia Nesar, Advocate
Mr. Santanu Sett, Advocate
... .. For the Petitioner

Mrs. Anasuya Sinha, Ld. A.P.P.
Mr. Arani Bhattacharyya, Advocate
... ..For the State

1. Report as called for by the order dated March 5, 2025 filed in Court be taken on record.
2. Trial is in progress.
3. We noticed that, petitioner before us was taking adjournment at the trial. Therefore, we called for a report.
4. Report states that, even subsequent to our order dated March 5, 2025, on two dates, the defence took time to cross-examine the witnesses of the prosecution.
5. Last witness of the prosecution is in the witness box at the trial.

6. Learned advocate for the petitioner invites our attention to the deposition of the prosecution witnesses. He submits that, none of the prosecution witnesses implicate the petitioner.
7. Police case is of murder.
8. Witnesses at the trial place the petitioner before us at the place of occurrence and time of occurrence.
9. Detailed evaluation of the evidence is required to be done by the trial court on conclusion of the evidence. As the material on record stands, we should not be pronouncing of the either side of the case.
10. In such circumstances, we are not inclined to grant bail to the petitioner.
11. The prayer for bail of the petitioner is, thus, rejected.

(Debangsu Basak, J.)

(Smita Das De, J.)