

(Via Video Conference)

CRM 1350 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **New Alipore Police Station** Case No. **277 of 2016** dated **19.10.2016** under Sections **395/397/34** of the Indian Penal Code Act and under Section 25(1B)(a) of the Arms Act.

- A n d -

In the matter of : Ashok Kumar Choudhury @ Ashok Chowdhury @ Ashoke Chowdhary @ Ramesh Prajapati @ Chowdhury

.... Petitioner.

Mr. Sourav Chatterjee,
Mr. S. Nag,

... For the Petitioner.

Mr. Sudip Ghosh,
Mr. B. Banerjee,
Mr. A. Kumar Dutta.

... For the State.

The petitioner is one of the six accused persons. All are in custody.

The petitioner says that he is in detention for four years and four months. Only two out of thirty four witnesses have been examined. It is anybody's guess when the trial will come to a conclusion.

The State says that the delay in the trial, if any, cannot be attributed to the State. The petitioner is wanted in other trials at other places. Hence, it so happens that when the presence of the petitioner is required in the present case, he is not available since he has to be produced before some

other Court. The State further says that there was recovery of arms, ammunitions and gold ornament from the petitioner.

We have considered the facts and circumstances of the case and the material in the case diary. Given the gravity and seriousness of the charge brought against the petitioner, and in view of the fact that he hails from Bihar or from Uttar Pradesh as would appear from the cause title of the petition, we are not inclined to allow the petitioner's prayer at this stage.

The prayer for bail is rejected.

CRM No. 1350 of 2021 is accordingly dismissed.

However, in view of the protracted detention of the petitioner, we request the learned Court below to expedite the trial to the extent possible and bring the same to its logical conclusion as soon as the business of the Court may permit and preferably within a period of one year from date.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)