

06.08.2021

Court No.28
Item No.17
(REJECTED)

Ab

CRM 3882 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on 24.05.2021 in connection with Shibpur Police Station Case No. 491 of 2014 dated 04.08.2014 under Sections 302/120B of the Indian Penal Code read with Sections 25/27 of the Arms Act;

And

In the matter of : **Saheb Alam @ Soheb Alam @ Md. Chand.**
...Petitioner.

Mr. Pintu Karar.

...For the Petitioner

Mr. Nguive Ahmed,
Mr. Anwar Hossain,
Ms. Trina Mitra.

... For the State

The Advocate-on-record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure in connection with Shibpur Police Station Case No. 491 of 2014 under Sections 302/120B of the Indian Penal Code read with Sections 25/27 of the Arms Act.

An application for bail has been taken out by the petitioner showing the ground of delay in disposal of the case.

It is submitted that though the charge-sheet was submitted in the year 2014 yet the case is pending in the docket of the court and has not been brought to its logical end.

Our attention is drawn by Mr. Nguive Ahmed, learned Additional Public Prosecutor, that the evidence of the charge-sheeted

witnesses has already been recorded and the matter was fixed for argument on 22nd February 2020. Since then there is no progress to the case.

Learned Advocate for the petitioner showed his anguish that the trial court has not fixed the matter for argument, which is seriously disputed by Mr. Ahmed. According to him, because of the frequent adjournment having taken by the defence, the argument could not be completed.

Since we do not find any grounds in releasing the petitioner on bail, the application for bail, being 3882 of 2021, is **rejected**.

However, we direct the learned Judge in the trial court to fix a date for argument, which should not be beyond fifteen days from the date of communication of this order in presence of both the Counsels.

Both the Counsels appearing before us have assured that they would appear before the trial court and participate in the argument so that the matter can be brought to its logical conclusion within one month from date so fixed for argument in terms of the order passed by us.

It is made clear that neither of the Counsels should indulge in asking for adjournment nor they would refuse to participate in the hearing of the said case and if any adjournment, except on unavoidable circumstances, is taken, the trial court shall reject the same.

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)

