

24.08.2021
Item no. 38
Court No.32.
S.De.
(rejected)

(Via Video Conference)

CRM 4053 of 2021

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure filed on 10.06.2021 in connection with Kandi Police Station Case No. 320 of 2019 dated 06.08.2019 under Section 302/34 of the Indian Penal Code and Sections 25/27 of the Arms Act.

And

In the matter of : Sayed Sk @ Soud Sk @ Soud Ali @

Soudi Sk @ Soudi & Another.

.....Petitioners.

Md. Sarwar Jahan, Advocate,
Mr. Binoy Shaw, Advocate,

.....for the Petitioners.

Ms. Minoti Gomes, Advocate,
Mr. Jishan Iqbal Hossain, Advocate,

.....for the defacto complainant.

Mr. Sanjoy Bardhan, Advocate,
Md. Kutubuddin, Advocate,

.....for the State.

The State says in so far as the petitioner no. 1 is concerned, this is the fifth application and so far as the petitioner no.2 is concerned this is the second application praying for bail.

The Charge is under Sections 302/34 of the Indian Penal Code read with Sections 25/27 of the Arms Act.

The petitioners' learned counsel refers to this Court's order dated March 11, 2020 passed in CRM 1013 of 2020 whereby this Court had directed the trial to be conducted on a day to day basis and to be concluded at an early date preferably within a year from the date fixed for recording of evidence without granting unnecessary adjournment to either of the parties. The petitioners say that last witness was examined on February 20, 2020. Nothing has happened after that.

The State draws our attention to the material in the case diary including the Post Mortem Report and statements of witnesses recorded under Sections 164/161 of the Code of Criminal Procedure. The State says that the trial has almost been concluded. However, as per the direction of this Court, de novo trial has started in terms of Section 319 of the Code of Criminal Procedure.

Having considered the gravity of the offence and prima facie incriminating material, we are not inclined to allow the prayer of the petitioners for bail. However, the petitioners have been in custody for more than two years. We request the trial Court to make all efforts to bring the trial to its logical conclusion at the earliest and preferably within a period of one year from date.

Accordingly, CRM 4053 of 2021 is dismissed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)