

10.08.2021
Item no. 105
Court No.32.
S.De.
(rejected)

(Via Video Conference)

CRM 4308 of 2021

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure filed on 24.06.2021 in connection with Mograhat Police Station Case No. 107 dated 26.02.2015 under Sections 302/34 of the Indian Penal Code & Section 25/27 of the Arms Act.

And

In the matter of : Anowar Hossain Fakir @ Boto.

.....Petitioner.

Mr. Biplab Mitra, Advocate,
Ms. Trina Mitra, Advocate,

.....for the Petitioner.

Mr. Madhusudan Sur, A.P.P.
Mr. Dipankar Pramanick, Advocate,

.....for the State.

The petitioner renews his prayer for bail. Referring to an order of rejection dated 13.10.2020 passed by a Co-ordinate Bench of this Court in CRM 7190 of 2020, the petitioner submits that despite a specific direction given by that Bench, trial has not yet concluded. The petitioner prays for bail.

State refers to the case diary and submits that trial was delayed at the behest of the petitioner and the prosecution had no role to play therein. Three witnesses remain to be examined.

We have considered the material in the case diary.

Regard being had to the nature and gravity of the offence and the facts and circumstances of the case and also as the prayer for bail of the petitioner was rejected earlier, there being no substantial change in the circumstances of the case, we are not inclined to grant bail to the petitioner at this stage.

Accordingly, C.R.M. 4308 of 2021 is dismissed.

However, bearing in mind that the petitioner is in custody for about five years, we request the learned Trial Court to conclude the trial at an early date, preferably within a period of six months from date without granting any unnecessary adjournment to either of the parties.

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.)