

CRM 4576 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kanksa Police Station Case No.184 of 2018 dated 14-06-2018 under Sections 302/120B/34 of the Indian Penal Code.

- A n d -

In the matter of : Sk. Abul Kalam @ Sk. Abu Kalam @ Abu Kalam
.... Petitioner.

Mr. Ayan Basu,
Mr. Sk. Salim,
Mr. Sourav Bera,
Mr. Sumit Routh

... For the Petitioner.

Mr. Madhusudan Sur, learned APP,
Mr. Dipankar Paramanick

... For the State.

This is the third time that the petitioner has approached this Court praying for bail. His earlier prayers were rejected on January 11, 2019 and November 12, 2020. Since then, there has been no significant change of circumstances.

The petitioner complains that he is in custody for more than three years and two months. Only the third witness out of 28 witnesses is being examined. Four out of the accused persons facing trial have been granted bail by this Court. He stands on the same footing.

The State strongly opposes the prayer for bail.

We have seen the material in the Case Diary including the statements of witnesses. The State says that four of the accused persons are still absconding. Two persons were killed in the alleged incident by strangulation. The material in the Case Diary *prima facie* implicate the petitioner. We are not satisfied that the present petitioner stands on the

same footing as the other co-accused who have been enlarged on bail by this Court.

On an overall consideration of the facts and circumstances of the case and the incriminating material on record and keeping in mind the two earlier rejections of the petitioner's prayer for bail, we are not inclined to allow this application, at this stage.

The application for bail being CRM 4576 of 2021 is, thus, **dismissed**.

Since the petitioner is in custody for more than three years and two months, we request the learned trial Court to expedite the trial to the extent possible and generally bring the same to its logical conclusion as soon as the business of the court may permit without granting unnecessary adjournments to either of the parties.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(**Bivas Pattanayak, J.)**

(**Arijit Banerjee, J.)**