

CRM 4640 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chapra Police Station Case No.188 of 2017 dated 14-07-2017 under Sections 341/326/307 & 34 of the Indian Penal Code and adding Section 302 of the Indian Penal Code.

- A n d -

In the matter of : Buddhadeb Biswas @ Budhu & Ors.

.... Petitioners.

Mr. Sumanta Das

... For the Petitioners.

Mr. Nequive Ahmed, learned APP,
Mrs. Trina Mitra

... For the State.

This is the fourth time that the petitioner has approached this Court praying for bail. The earlier rejections of his prayer were on November 14, 2017 in CRM 11221 of 2017, May 07, 2018 in CRM 2153 of 2018 and November 28, 2018 in CRM 9838 of 2018. The petitioner says that he is in custody for more than four years. Only the defacto complainant has been examined out of 18 witnesses.

The State says that two of the co-accused persons are absconding. That has caused the delay in the trial.

We notice that while rejecting the petitioner's prayer for bail on November 28, 2018, a coordinate Bench of this Court had directed the learned trial Court to take necessary steps for ensuring the attendance of absconding accused persons and in the event their attendance cannot be procured in spite of exhaustion of all processes, to declare them as proclaimed offenders and commit the case to the court of sessions for trial in accordance with law.

Learned counsel for the State says that pursuant to such direction, the trial has started.

We have seen the material in the Case Diary. There are eyewitnesses who clearly implicate the petitioner. The charge is of murder. In view of the nature and gravity of the charge and the incriminating material in the Case Diary and also keeping in mind the three earlier rejections of the petitioner's prayer for bail, we are not inclined to allow the present application, at this stage.

The application for bail being CRM 4640 of 2021 is, thus, **dismissed**.

However, keeping in view the protracted detention of the petitioner, we request the learned trial Court to spare no efforts to expedite the trial and generally bring the same to its logical conclusion at the earliest and preferably within a period of eighteen months from date.

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.)**