

02.11.2021
Item no. 11
Ct. 8
AB /PG

C.R.M. 6853 of 2021

In Re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with K.L.C. P.S. Case No. 97 of 2017 dated 18.04.2017 under Sections 364/ 302/ 120B/34 of the Indian Penal Code.

And

In the Matter of : Sirajul Dhalipetitioner

Mr. Angshuman Chakraborty
Mr. Shashanka Shekhar Saha.....for the petitioner

Mr. Madhusudan Sur, Ld. A.P.P.
Mr. Dipankar Pramanick.....for the State

Petitioner prays for bail for second time after a gap of 02 years on the principal ground that he has been in custody for more than 4 and ½ years and that there is no likelihood of the trial being concluded in the near future. It is submitted that the regular Judge has not been appointed in the said Court.

Counsel for the State submits that 11 witnesses out of 25 have already been examined and vehemently opposes the submission that the trial is unlikely to be concluded soon. Reliance is also placed on a decision of coordinate Bench dated September 30, 2021 in C.R.M. 5969 of 2021, where a co-accused, similarly circumstanced, was denied bail.

In view of the above and given the facts and circumstances of the case, the application for bail stands rejected at this stage.

It is, however, expected that the trial should be completed within a period of 06 months from date. In default, the petitioner shall be entitled to pray for bail.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously after complying with all necessary legal formalities.

(Rajasekhar Mantha, J.)

(Kesang Doma Bhutia, J.)

