

15.11.2021
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rejected

C.R.M. 7173 of 2021
(via video conferencing)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hili Police Station Case No. 198 of 2014 dated 14.09.2014 under Sections 457/380/302/34 of the Indian Penal Code and subsequently charge-sheet has been filed under Sections 394/302/34 of the Indian Penal Code.

And

In Re : Sudeb Das @ Sudev Das petitioner

Mr. Apalak Basu

... for the petitioner

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

... for the State

Learned Counsel appearing for the petitioner submits that the petitioner is in custody for seven years. It is further submitted that the co-accuseds have been enlarged on bail. Hence, he prays for bail of the petitioner.

Learned Counsel appearing for the State opposes the prayer for bail. He submits that trial is in progress and the petitioner has been identified as one of the miscreants who committed murder and dacoity. One of co-accused persons, while on bail, absconded and warrant is pending against him.

We have considered the materials on record. Allegations are very serious. Evidence on record prima facie shows that the petitioner was a member of the gang who committed dacoity and murder. On merits, we are not inclined to enlarge the petitioner

on bail. However, we note that the petitioner is in custody for a protracted period of time. Trial is in progress and delay in the matter is due to abscondance of the co-accused person who had enlarged on bail. In view of the aforesaid facts, we also do not consider it prudent to release the petitioner on bail even on the score of protracted detention of the petitioner.

The application for bail is, thus, rejected.

However, we direct the trial court to take prompt steps for the purpose of ensuring the attendance of the absconding accused and in spite of exhaustion of all processes his attendance cannot be secured to declare him as a proclaimed offender and proceed with the trial with utmost expedition and conclude the same at an early date without granting unnecessary adjournment to either of the parties.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)

C.R.M. 192 of 2018

In Re.: An application under Section 439 of the Code of Criminal Procedure filed on 05.01.2018 in connection with Karimpur Police Station Case No. 136 of 2012 dated 03.07.2012 under Sections 420/467/468/471/120B of the Indian Penal Code.

And

In Re : Rabish Kumar Upadhyay petitioner

Mr. Asraf Ali

... for the petitioner

Mr. Debojyoti Deb

... for the State

Having considered the materials on record prima facie disclosing involvement of the petitioner in the alleged crime of misappropriation of monies of the innocent depositors and the fact that the petitioner has absconded for a protracted period of time, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is, thus, rejected.

(Rajarshi Bharadwaj, J.)

(Joymalya Bagchi, J.)

