

CRM No.7616 of 2021

Via video conference

13.12.21

(S.R.)

Sl.15

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Beliaghata** Police Station Case No.283 of 2017 dated 14.11.2017 under Sections 392/307 of the Indian Penal Code;

And

In re: Noor Islam Sk @ Chand

... petitioner.

Mr. Angshuman Chakraborty

... for the petitioner.

Mr. Swapan Banerjee

Ms. Sima Biswas

... for the State.

On being languishing in custody for 4 years 1 month the present bail application is filed by the sole accused praying for release on bail.

The learned lawyer for the petitioner, Mr. Chakraborty, submitted that this is a case under Sections 392/307 of the Indian Penal Code. The petitioner is in custody for more than 4 years. Principal witnesses are examined. There is no strong element corroborating allegation under Sections 307 of the Indian Penal Code. He further submitted that bail application was rejected by this Hon'ble Court on 28.11.2018. Subsequently, this Court rejected the second bail application in terms of the order dated 26.08.2021 in CRM No.4533 of 2021 but the order was not on merit. Therefore, the learned lawyer Mr. Chakraborty prays for grant of bail.

Per contra, the learned lawyer representing the State Mr. Banerjee, submitted that trial is in progress. Nine witnesses are examined. Next schedule of trial is fixed on 18th and 19th January, 2022. Strong incriminating elements are there against the present petitioner. The allegation is very grave. Therefore, he opposes the bail.

We have heard rival submissions and perused the materials on record and as well as the case diary. It appears that the last bail

application on 26.08.2021 was rejected by a Coordinate Bench of this Court on observation that the petitioner had suppressed material fact and tried to mislead the Court and rejected the application for bail for such “*dishonest conduct*”.

We have perused the materials. Trial is in progress and most of the witnesses are examined. The case diary reveals strong incriminating elements. However, depositions of the witnesses are not before us.

On perusal of the case diary and other materials, we are not inclined to allow the instant bail application and the same stands rejected.

We further direct the learned trial court to dispose of the trial within a period of six months from the date of communication of this order.

Accordingly, the application for bail being CRM No.7616 of 2021 is dismissed at this stage.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)