

CRM (DB) 230 of 2022
(via video conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : Guddu Sharma @ Raja Sharma

.....Petitioner

Mr. Samrat Choudhury
Mr. Soumya Kanti Nag

.....for the Petitioner

Mr. Madhu Sudan Sur, Ld. APP
Mr. Dipankar Paramanick

.....for the State

Ms. Shyanti Poddar

.....for the *de facto* complainant

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Begliaghata P.S. Case No. 164 of 2020 dated 10.08.2020 under Sections 25(1B)(a) of the Arms Act, 1959.

Mr. Choudhury, learned advocate appearing for the petitioner submits that the petitioner is languishing in custody for 572 days and even after last rejection of the petitioner's prayer for bail on 2nd September, 2021 by a co-ordinate Bench of this Court, there had been no progress. He further submits that the matter had to be adjourned thrice before the learned trial Court due to the absence of the learned Presiding Officer. In the said conspectus, further detention of the petitioner may not be necessary and he may be enlarged on bail on any stringent condition.

Mr. Sur, learned Additional Public Prosecutor appearing for the State opposes the petitioner's prayer and submits that next date for framing of charges has been fixed on 31st March, 2022. There are strong incriminating materials on record against the petitioner and as such, he is not entitled to the relief, as prayed for.

Ms. Poddar, learned advocate appearing for the *de facto* complainant submits that 15th February, 2022 was the last date fixed for framing of charges, but on the said date, charges could not be framed due to the absence of the representative for the accused. Let the order, as produced, be kept on record.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, we find strong incriminating materials on record against the petitioner. The delay which has occurred is not totally attributable to the State. Considering the seriousness of the offence and the extent of complicity of the petitioner, we are not inclined to exercise any discretion in his favour. As such, the petitioner's prayer for bail is refused at this stage.

The application CRM (DB) 230 of 2022 is, accordingly, dismissed.

The learned trial Court is, however, directed to frame charges on the date as fixed, without granting any unnecessary adjournment to either of the parties. In the event the charges are framed, the learned trial Court shall take expeditious steps to conclude the trial at the earliest.

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.)