

CRM (DB) 929 of 2022

In re : An Application for bail under Section 439 of the Code of Criminal Procedure filed on 04.04.2022 in connection with Basanti P.S. Case No. 100(2) of 2014 dated 24.02.2014 under Sections 396/397/412/120B of the Indian Penal Code.

-And-

In the matter of: **Kutubuddin Laskar**

... ...Petitioner

Ms. Sreyashee Biswas, Advocate

Ms. Benajir Hasna, Advocate

... ... For the Petitioner

Mr. Neguive Ahmed, Id. APP

Ms. Trina Mitra, Advocate

... ... For the State

Petitioner renews the prayer for bail.

Learned Advocate appearing for the petitioner submits that the petitioner is in custody in excess of 8 years and other co-accused was enlarged on bail. She submits that out of 28 prosecution witnesses only 20 were examined. There is hardly any possibility of trial concluding any time soon.

Learned Advocate appearing for the State draws the attention to the materials in the case diary. Learned Advocate for the State refers to a report which according to her says that by reason of the absence of other co-accused there is a delay in trial.

It appears that the Court is lying vacant.

The petitioner is in custody for about 8 years. The charges framed against the petitioner are in respect of heinous crime which include dacoity and murder. The last order of rejection dated December 24, 2020. Subsequent to the last order of rejection, the pandemic impacted the functioning of the Court and it cannot be said that the prosecution is indolent.

Considering the gravity of the offence and the involvement of the petitioner therein, we are unable to grant bail to the petitioner.

CRM (DB) 929 of 2022 is rejected.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)