

78 05.04.2022
(AD) Court No.29
(Rejected)

C.R.M. 4621 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **S.T No.01(07) 2015** arising out of **Falta** P.S. Case No.**148 of 2014** dated **30.03.2014** under Sections **302/120B/34** of the Indian Penal Code read with Sections **25/27** of the Arms Act and Section **9B** of the Indian Explosives Act.

And

In the matter of: Raja Khan

....petitioner.

Mr. Ayan Bhattacharjee
Mr. Anand Keshari
Mr. Sekhar Mukherjee
Mr. Gourav Kumar

...for the petitioner.

Mr. Rudradipta Nandy

... for the State.

Petitioner renews the prayer for bail.

Learned Advocate appearing for the petitioner submits that the petitioner is in custody for seven years ten months and fourteen days. There is hardly any possibility of trial concluding any time soon. He relies upon an order dated December 4, 2020 passed in CRM 9830 of 2020 where a coordinate Bench granted bail at the stage of examination of the accused under Section 313 of the Code of Criminal Procedure.

Learned Advocate appearing for the State submits that subsequent to the earlier order of rejection dated January 28, 2021, the petitioner is guilty of taking adjournments of the trial on at least ten occasions. He refers to the last order dated February 23, 2022 of the trial court where the next date was

fixed on March 31, 2022 for production and appointment of the learned Advocate for the accused. He submits that the next date before the trial court is April 19, 2022 for the purpose of recording of evidence of the Investigating Officer.

The last order of rejection of the prayer for bail of the petitioner is dated January 28, 2021 passed in CRM 7295 of 2020 where the coordinate Bench directed completion of the prosecution evidence, examination of the accused under Section 313 of the Code of Criminal Procedure and the defence evidence within a period of three months.

Apparently, the evidence of the Investigating Officer is yet to be concluded. There are materials in the form of the last order dated February 23, 2022 of the trial court and as also the list of dates as sought to be relied upon by the State that prayers for adjournments were made on behalf of the accused which were allowed. The accused apparently were changing their advocates frequently at the trial for which the trial could not proceed.

In such circumstances, it would be appropriate to request the learned trial court not to grant any unnecessary adjournments to any of the parties. The learned trial court is requested to conclude the evidence of the Investigating Officer on the next date fixed without granting any adjournments to any of the parties.

There is hardly any material change in circumstances subsequent to the earlier order of rejection dated January 28, 2021. Consequently, we are unable to grant bail to the

petitioner.

The order dated December 4, 2020 passed in CRM 9830 of 2020 was in the facts and circumstances obtaining in that case. The case diary of such case is not deposited so as to arrive at a conclusion that the issues in the two proceedings are the same.

Accordingly, the prayer for bail of the petitioner is rejected.

C.R.M. 4621 of 2021 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)