

23.06.2022

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rejected

C.R.M. (DB) 1805 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Panduah Police Station Case No. 59 of 2013 dated 22.03.2013 under Sections 302/120B of the Indian Penal Code and Sections 25/27 of the Arms Act.

And

In Re : Shamim Hossain @ Gill petitioner

Mr. Debasis Kar

Mr. Soumen Ghosh

Mr. Husen Mustafi

Mr. Arka Tilak Bhadra

... for the petitioner

Mr. Madhusudan Sur, learned APP

Mr. Dipankar Pramanick

... for the State

Petitioner is in custody for nine years.

Learned Counsel appearing for the petitioner submits that there is inordinate delay in progress of the case.

Learned Counsel appearing for the State opposes the prayer for bail and submits report.

We have considered the materials on record. Prayer for bail of the petitioner was rejected on merits in September, 2021 by a co-ordinate Bench of this Court. Bench directed for consideration of framing of charge within first week of November, 2021. But case could not be committed as co-accused absconded and warrant, proclamation and attachment were issued against him. In this backdrop, it cannot be delay in the matter since rejection of bail by this Court in September, 2021 is attributable to the prosecution.

Under such circumstances and keeping in mind the gravity of the offence and prima facie involvement of the petitioner therein, we are not inclined to grant bail to the petitioner.

The application for bail is, thus, rejected.

Court below is directed to ensure execution of the processes against absconding accused and if in spite of exhaustion of processes his attendance cannot be secured, the court shall split the case of the absconding accused and commit the matter to the court of sessions at the earliest.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)