

19.07.2022.
13.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 2249 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chapra P.S. Case No.188 of 2017 dated 14.07.2017 under Sections 341/326/307/34 of the Indian Penal Code and added Section 302 of the Indian Penal Code.

In the matter of : Buddhadeb @ Budhu Biswas & Ors.
... Petitioners.

Mr. Prabir Majumder.
...for the Petitioners.

Mr. Nequive Ahamed, Id. A.P.P.,
Ms. Trina Mitra.
...for the State.

Heard the learned Advocates appearing for the parties.

Petitioner prayed for bail on the ground of inordinate delay in trial. He is in custody for more than five years.

Report with regard to the reasons for delay is placed before us.

From the report, we note charge was framed on 11.3.2019 but examination of PW1 has been delayed primarily on the ground of abscondence of co-accused as well as on behalf of the defence. The examination of a witness (PW1) dragged on for more than two years. On a number of occasions, the Apex Court has deprecated the practice of adjournment of examination of a witness. The instant case is an example of such pernicious practice.

In view of the aforesaid circumstances whether delay and dilation was primarily engineered at the behest of the defence

and in view of the directions in para 39 of *Rajesh Yadav vs. State of UP*¹, we are not inclined to grant bail to the petitioner.

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

We direct the trial court to conduct the trial as expeditiously as possible on a day to day basis and conclude the same at an early date preferably within one year from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

Personal appearance of the Investigating Officer is noted and dispensed with.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)

¹ (2002) 3 Scale 135