

05.08.2022

Sl. No.9

akd

[Rejected]

C. R. M. (DB) 2503 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 19.07.2022 in connection with Domjur Police Station Case No. 123 of 2020 dated 02.03.2020 under Section 302 of the Indian Penal Code. (G.R. Case No.960 of 2020)

And

In Re: ***Md. Salim @ Md. Salim Ansari***

... .. Petitioner

Mr. Swapan Kumar Mallick
Ms. Sudeshna Das

... .. for the petitioner

Mr. Neguive Ahmed .. Id. Addl. Public Prosecutor
Ms. Ayantika Roy

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about two years and five months. It is further submitted trial has not yet commenced.

Report is placed on record. It appears from the report delay in the matter was due to an enquiry conducted with regard to the juvenility of the petitioner. Petitioner had used a fake school certificate in support of his plea of juvenility.

In view of the aforesaid circumstances, we are of the opinion delay in the matter cannot be attributed to the prosecution. Statements of eyewitnesses squarely implicate the petitioner in the murder of a young boy. In view of the aforesaid incriminating materials and gravity of the offence, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is thus **rejected**.

However, trial court is directed to take prompt steps for consideration of charge at the earliest and in the event charge is framed, to take the proceeding to its logical conclusion without delay.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)