

04.08.2022.
14.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 2584 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak P.S. Case No.483 of 2015 dated 03.09.2015 under Sections 341/326/307/302/201/379/120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

In the matter of : Rabiul @ Rabiul Haque @ Rabiul Haq.
... Petitioner.

Mr. Avik ghatak,
Mr. Salman Hasan.

...for the Petitioner.

Mr. Noguive Ahamed, Id. A.P.P.,
Ms. Trina Mitra.

...for the State.

Heard the learned Advocates appearing for the parties.

Petitioner is in custody for 876 days. He renews his prayer for bail. He submits he had been arrested in connection with a case in Kerala and, therefore, he was unable to appear in the present proceeding.

Learned Advocate for the State opposes the prayer for bail. He submits petitioner had absconded for about five years. Co-accuseds are absconding. Hence, there is delay in trial.

We have considered the materials on record. Petitioner was acquitted in the criminal case registered against him in Kerala in May, 2017. He was arrested in connection with the present case in 2020. Hence, he had absconded for a considerable period of time. Statements of witnesses show involvement of the petitioner in the murder. Delay in the proceeding is due to abscondence of co-accuseds and cannot be attributed to the prosecution.

Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.

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

However, court below is directed to take steps for apprehension of co-accuseds and in the event their attendance cannot be ensured in spite of exhaustion of all processes to declare them as proclaimed offenders and commit the case to the Court of Sessions for trial and disposal at the earliest.

Copy of this order be sent to the court below for necessary compliance.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)