

08.08.2022.
28.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 2655 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.249 of 2014 dated 07.04.2014 under Sections 364/302/201/34 of the Indian Penal Code.

In the matter of : Kajal Sk @ Abdul Odut Halsana.
... Petitioner.

Mr. Sumanta Das.
...for the Petitioner.

Mr. Rudradipta Nandy, Id. A.P.P.,
Ms. Sonali Das.
...for the State.

Heard the learned Advocates appearing for the parties.

Petitioner is in custody for about 8 years. He prays for bail.

Learned Advocate for the State opposes the prayer for bail. He submits trial has substantially progressed and date has been fixed for examination of accuseds under Section 313 of the Code of Criminal Procedure. Petitioner has criminal antecedents and has been sentenced to life imprisonment in another case.

In reply, learned Advocate for the petitioner submits examination under Section 313 of the Code of Criminal Procedure has not commenced as one of the accused had absconded.

We have considered the materials on record. There are ample evidence against the petitioner. He has criminal

antecedents and was sentenced to life imprisonment in another case. Delay in trial is due to abscondence of co-accused and cannot be attributed to the prosecution.

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

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

Trial Court is directed to take prompt steps for apprehension of the absconding accused and in the event his attendance cannot be procured in spite of exhaustion of all processes to declare him as proclaimed offender and proceed with the trial of the petitioner and other accuseds who are presently before the court in accordance with law without granting unnecessary adjournment to either of the parties.

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

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)