

28.09.2022

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rejected

C.R.M.(DB) No. 3202 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Pukhuria Police Station Case No. 150 of 2018 dated 06.05.2018 under Sections 364/302/201/120B of the Indian Penal Code and Sections 27 of Arms Act along with Section 9(b) of the Indian Explosive Act.

And

In Re : Jahiruddin @ Babua petitioner

Mr. Sudipto Maitra, Sr. Adv.

Mr. Avinaba Patra

Mr. Dipayan Kundu

Mr. Dwaipayan Biswas

Ms. Souraja De

....for the petitioner

Mr. Madhusudan Sur, learned APP

Mr. Dipankar Paramanick

..... for the State

Learned Counsel appearing for the petitioner submits he is in custody for over three years. It is also submitted that there is slow progress in the matter before the court below. He prays for bail.

Learned Counsel appearing for the State opposes prayer for bail.

In view of the aforesaid submission of the petitioner, report with regard to the reason for delay is placed on record. From the report it appears initially investigation was conducted by local police. Investigation had been stultified by the activities of the accused persons. Subsequently investigation was

transferred to a Special Investigation Team (SIT for short) and the complicity of the petitioner transpired. It also appears co-accuseds are absconding which has contributed to the delay.

Under such circumstances, in view of the gravity of the offence, we are of the opinion this is not a fit case to grant bail at this stage.

The application for bail is, thus, rejected.

Trial Court is directed to take necessary steps to ensure the attendance of the absconding accuseds and in the event their attendance cannot be procured in spite of exhaustion of all processes to declare them as proclaimed offenders and commit the case to the court of Sessions at the earliest without granting unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)