

11.11.2022

15

as/sdas

rejected

C.R.M.(DB) No. 3870 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Netaji Nagar Police Station Case No. 48 of 2016 dated 09.02.2016 under Sections 120B/395/397 of the Indian Penal Code read with Sections 25(1B)(a)/27 of the Arms Act.

And

In Re : Alope Samaddar petitioner

Mr. Anirban Mitra

Mr. Amit Halder

Ms. Madhumita Sadhukhan

... for the petitioner

Mr. Nguive Ahmed, learned APP

Ms. Trina Mitra

... for the State

Learned Counsel appearing for the petitioner submits petitioner is in custody for six year and four months. Co-accuseds are on bail. He prays for bail.

Learned Counsel appearing for the State opposes the prayer for bail and submits report with regard to the status of the proceeding. It is further submitted that the petitioner has prior conviction.

We have considered the materials on record. Petitioner has prior conviction and does not stand on the same footing with the co-accuseds who have been enlarged on bail. Report is placed on record. From the report it appears delay is due to vacancy in the court and delay engineered by accuseds.

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

The application for bail is, thus, rejected.

We, however, request the trial court to expedite the trial and conclude the same at an early date preferably within one year from the next date fixed for recording evidence without granting unnecessary adjournments to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)