

07.11.2022

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rejected

C.R.M.(DB) No. 3768 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Karaya Police Station Case No. 234 of 2015 dated 14.05.2015 under Sections 120B/302 of the Indian Penal Code read with Sections 25/27 of the Arms Act.

And

In Re : Md. Shahnawaz @ Md. Shahnawaj petitioner

Mr. Avik Ghatak
Mr. Fahad Imam
Mr. Anirudha Bhattacharya
Mr. Rahul Acharya

... for the petitioner

Mr. Saswata Gopal Mukherji, learned PP
Mr. Rudradipta Nandy, learned APP
Mrs. Sonali Das

... for the State

Learned Counsel appearing for the petitioner submits the petitioner is in custody for 7½ years. He renews his prayer for bail essentially on the ground of inordinate delay in trial.

Learned Counsel appearing for the State opposes the prayer for bail and submits report on such score. Report is kept with the record. From the report it appears that the trial court is lying vacant for 1½ years. Prosecution had sought adjournments on three occasions only while on all other occasions adjournments were sought from the side of the defence.

Aforesaid factual matrix demonstrates delay in the case is due to systematic reasons and other causes which are not attributable to the prosecution.

On the other hand, it appears prosecution has made endeavour to conclude the trial by producing witnesses before the learned Judge-in-Charge of the court concerned. Prosecution proposes to examine another 7 to 10 witnesses.

In view of the aforesaid circumstances and as there are ample materials on record to implicate the petitioner in the alleged offence, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is, thus, rejected.

We, request the learned Judge-in-Charge to record prosecution evidence as and when witnesses are produced before the court concerned.

Copy of the order be sent to the Learned Registrar (Judicial Services). He is requested to take appropriate steps to ensure that the vacancy is filled up at the earliest.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)