

16.11.2022
Sl. No.12
akd
[Rejected]

C. R. M. (DB) 3975 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 10.11.2022 in connection with Entally Police Station Case No. 188 of 2021 dated 17.05.2021 under Sections 307/324/323/427/34 of the Indian Penal Code read with Sections 25(2)/27 of the Arms Act.

And

In Re: ***Md. Arshad***

... .. Petitioner

Mr. Avik Ghatak
Mr. Sagnik Mukherjee

... .. for the petitioner

Mr. Neguive Ahmed .. Id. Addl. Public Prosecutor
Ms. Trina Mitra

... .. for the State

Petitioner renews his prayer for bail. It is submitted on behalf of the petitioner that he is in custody for over 500 days. It is further submitted there is delay in progress of the matter before the trial court.

Learned Additional Public Prosecutor opposes the prayer for bail and submits petitioner has criminal antecedents. He is implicated in seven criminal cases. Co-accuseds are also implicated in a number of criminal cases and their prayer for bail has been rejected by a coordinate Bench of this court in October, 2022 [CRM (DB) 3700 of 2022). Delay in the matter is due to abscondence of co-accused and cannot be attributed to the prosecution. Date has been fixed for consideration of charge on 03.12.2022.

We have considered the materials on record. There are evidence implicating the petitioner in the offence. He has criminal antecedents. Prayer for bail of co-accuseds was turned down by a coordinate Bench of this court in October, 2022. Delay in the matter is due to abscondence of co-accused and cannot be attributed to the

prosecution. Under such circumstances, we do not consider it prudent to release the petitioner on bail at this stage.

The application for bail is thus **rejected**.

Trial court is directed to consider the issue of framing of charge on the next date fixed and in the event it is unable to do due to circumstances beyond its control positively within two months thereof and if the charge is framed, to take the proceeding to its logical conclusion as expeditiously as possible without granting unnecessary adjournments to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)