

24.11.2022
Sl. No.14
akd
[Rejected]

C. R. M. (DB) 4006 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 09.11.2022 in connection with Khejuri Police Station Case No. 205 of 2018 dated 17.10.2018 under Sections 326/506/34/302 of the Indian Penal Code. (G.R. Case No.1277 of 2018)

And

In Re: **Sk. Suraj Ali @ Sk.**

... .. Petitioner

Mr. Arup Kumar Bhowmick

... .. for the petitioner

Mr. Prasun Kumar Datta .. Id. Addl. Public Prosecutor

Mr. Nirupam Dhali

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about four years. It is further submitted there is inordinate delay in the trial of the case.

Learned Additional Public Prosecutor opposes the prayer for bail and submits one of the co-accuseds who was on bail had absconded. This has contributed to the delay.

We have considered the materials on record. This is a case of murder. Petitioner is the principal accused. Delay in the matter is due to abscondence of one of the co-accuseds who was on bail. In view of the aforesaid circumstances, we are not inclined to grant bail to the petitioner at this stage.

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

Trial court is directed to exhaust all processes to apprehend the absconding accused and if he cannot be apprehended, to declare him as a proclaimed offender and proceed with the trial of the petitioner and other accuseds as expeditiously as possible and in accordance with law.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

