

31.01.2023
Sl. No.18
akd
[Rejected]

C. R. M. (DB) 164 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 09.01.2023 in connection with Nabagram Police Station Case No.102 of 2019 dated 14.04.2019 under Sections 302/201 of the Indian Penal Code.

And

In Re: ***Imon Sk. @ Imran Sk.***

... .. Petitioner

Ms. Minoti Gomes
Mr. Golam Nure Imrohi

... .. for the petitioner

Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor
Mrs. Sonali Das

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than three years. It is further submitted there is inordinate delay in the proceeding before the trial court.

Learned Additional Public Prosecutor opposes the prayer for bail and submits delay was due to systemic reasons. Petitioner also contributed to the delay. He took a belated plea of juvenility.

We have considered the materials on record. There are eyewitnesses who saw the petitioner assault the victim resulting in his death. Delay was contributed due to pandemic conditions as well as vacancy in the trial court. Presently, petitioner has taken the plea of juvenility and an enquiry has been directed in the matter. In this backdrop, 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 conclude the enquiry with regard to the plea of juvenility at the earliest. In the event, the petitioner is found to be a juvenile, appropriate orders may be passed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

