

17.03.2023
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rejected

C.R.M. (DB) No. 956 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with English Bazar Police Station Case No. 143 of 2018 dated 19.02.2018 under Sections 395/397/412/307 of the Indian Penal Code read with Sections 25/27/35 of the Arms Act.

In Re : Ajad Mirja And
 petitioner

Mr. Saikat Chatterjee
Mr. Abdur Rakib
Mr. Puranjan Pal
 ... for the petitioner

Mr. P. K. Dutta, learned APP
Mr. Prodipta Kumar Ganguly
 ... for the State

Learned Counsel for the petitioner submits he is in custody for more than five days. It is also submitted that co-accused is on bail. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits petitioner was identified in test identification parade. Stolen articles were recovered from his possession. Co-accused does not stand on the same footing with the petitioner.

We have considered the materials on record. Petitioner is in custody for more than five years. Co-accused has been enlarged on bail but petitioner was identified in test identification parade. 22 out of 54 charge-sheeted witnesses have been examined as yet. In view of the incriminating

materials against the petitioner we give last opportunity to the prosecution to expedite and conclude the trial at an early date. Prayer for bail of the petitioner is rejected at present.

The application for bail is, thus, rejected.

Trial court is directed to ensure that the prosecution of the case be concluded positively within one year from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)