

17.04.2023

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C.R.M. (DB) No. 1104 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Special Task Force Case No. 35 of 2019 dated 02.09.2019 under Sections 120B/121/121A/122/123/124A/125 of the Indian Penal Code subsequently added Sections 4/5/6 of the Explosive and Substance Act along with Sections 16/18/19/20 of the Unlawful Activities (Prevention) Act subsequently charges framed under Sections 120B/121A of the Indian Penal Code and Sections 18/20 of the Unlawful Activities (Prevention) Act.

And

In Re : Abul Quashem @ Fayz petitioner

Ms. Jhuma Sen

Mr. Masum Ali Sardar

... for the petitioner

Mr. Rudradipta Nandy, learned APP

Mrs. Sonali Das

... for the State

Learned Counsel for the petitioner submits her client has been falsely implicated. A maximum sentence of five years rigorous imprisonment has been imposed on co-accused who pleaded guilty. Petitioner is in custody for more than three years. There is no possibility of trial concluding in the near future. Petitioner is in custody for more than three years and may be released on bail.

Learned Counsel for the State opposes the prayer for bail and submits he is the kingpin of the crime. A large volume of incriminating materials were collected from him during investigation. He does not stand on the same footing with co-accused who pleaded guilty. It is also submitted vulnerable witnesses shall be examined within six months.

In view of the aforesaid submission that examination of vulnerable witnesses shall be concluded within six months, learned Counsel for the petitioner chooses to withdraw the bail application at this stage.

Accordingly, application for bail is dismissed as not pressed.

Trial court is directed to conduct the trial as expeditiously as possible. Prosecution shall examine vulnerable witnesses at the earliest. Petitioner and co-accused shall co-operate with the trial court in that regard.

Parties shall communicate this order to the trial court for necessary compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)