

27.03.2023
ct 28/tkm
sl no.72

C.R.M. (DB) 1126 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Beniapuur P.S case no. 259 of 2016 dated 11.6.2016 under sections 307/34 IPC read with sections 25/27 of the Arms Act and added sections 302/34 IPC

And

In Re : Sk. Moinuddin @ Sk. Mainuddin @ Raj petitioner

Mr. Anand Keshari
Ms. Sutapa Ghosh (Bose)

..... for the petitioner

Mr. S G Muherjee, Id PP
Mr. R D Nandy
Mrs. Sonali Das

..... for the State

Petitioner is in custody for more than six years. He submits there is little progress in the matter. He renews his bail prayer.

Learned Public Prosecutor opposes the bail prayer. He submits petitioner did not co-operate with the trial. Presently the court is lying vacant.

We have considered the materials on record. Petitioner had approached this court for bail. A co-ordinate Bench of this court directed completion of trial preferably within eight months from the communication of the order. Presently the court is lying vacant. Delay in the matter is due to absence of petitioner's counsel and systemic reasons. They cannot be attributed to the prosecution. Offence involves mandatory life imprisonment.

Under such circumstances, we are not inclined to grant bail to the petitioner at this stage

Hence, application for bail is rejected.

Judge-in-Charge shall proceed with the recording of prosecution evidence and trial shall be concluded preferably 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.)