

29.03.2023
Sl. No.33
akd
[Rejected]

C. R. M. (DB) 1191 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 23.03.2023 in connection with Special Task Force Police Station Case No.22 of 2020 dated 12.10.2020 under Sections 120B/121/121A/122/123/124A/125 of the Indian Penal Code.

And

In Re: ***Najibullah @ Hakkani @ Saquib Ali***

... .. Petitioner

Mr. Ayan Bhattacharya
Mr. Zakir Hussain
Mr. Mazhar Hossain Chowdhury
... .. for the petitioner

Mr. Ranabir Roy Chowdhury
Mr. Sandip Chakraborty
Mr. Mainak Gupta
... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 840 days. It is further submitted there is inordinate delay in trial.

Learned Advocate for the State opposes the prayer for bail and contends petitioner had posted videos on social media abetting others to overawe the Government by show of force. Incriminating materials were also seized from his possession. Trial is in progress.

We have considered the materials on record. Electronic records in the form of video footage etc. have been recovered. Incriminating books and other writings were also recovered from his possession. The aforesaid materials, inter alia, give rise to an inference of the role of the petitioner as a conspirator in overawing the Indian State and/or threatening its unity and integrity. In view of the aforesaid materials on record and gravity of the offence, we are not inclined to grant bail to the petitioner.

The application for bail is thus rejected.

However, it is contended there is slow progress in trial. We are informed charge has been framed and one witness has been examined. Prosecution proposes to examine 17 witnesses. Presently, the presiding officer is absent.

Accordingly, we direct the Judge-in-charge to proceed with the recording of prosecution evidence and the trial be concluded as expeditiously as possible without granting unnecessary adjournment to either of the parties.

Parties shall communicate a copy of this order to the Judge-in-charge for due compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)