

11.04.2023

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rejected

C.R.M. (DB) No. 1193 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Baduria Police Station Case No. 815 of 2016 dated 22.11.2016 under Sections 367/368/370(5)/304/315/318/419/420/201/467/468/471/120B/34 of the Indian Penal Code read with Sections 75/80/81 of the Juvenile Justice (Care and Protection of Children) Act.

And

In Re : Jhantu Biswas & Ors. petitioners

Mr. Kallol Kumar Basu

Md. Jannat Ul Firdous

... for the petitioners

Mr. Saswata Gopal Mukherjee, learned PP

Mr. Rudradipta Nandy, learned APP

Mrs. Sonali Das

... for the State

Heard the learned Counsels for the parties.

We have perused the report. In spite of direction given by us vide order dated 29.03.2023 one of the co-accused prayed for deferment of cross-examination of the prosecution witness.

Under such circumstances, we are of the opinion accused persons are indulging in dilatory tactics to prolong the trial. Keeping in mind the nature of the offence involving trafficking of babies and as there is ample evidence implicating the petitioners and possibility of further dilation in trial in the event the petitioners are released on bail, we are not inclined to grant bail to them.

The application for bail is, thus, rejected.

To ensure prompt conclusion of trial we direct the learned Judge-in-Charge to record the evidence of the prosecution witnesses who are produced before the Court till the vacancy is filled up.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)