

11.04.2023
tkm/ct 28
sl no.66

C.R.M. (DB) 1441 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Asansol (South) PS case no. 261 of 2019 dated 12.8.2019 under sections 364A/302/201/120B/34 IPC

And

In Re : Prabin Kumar Ray petitioner

Mr Sourav Chatterjee
Mr. S Das Mahapatra
Mr. R Agarwal

..... for the petitioner

Mr. N Ahmed
Mr. Asif Dewan

..... for the State

Petitioner is in custody for more than three years. He submits there is inordinate delay in trial. He renews his bail prayer.

Learned lawyer for the State opposes the bail prayer. He submits delay was engineered by co-accused and/or pandemic conditions prevailing in 2020-2021.

We have considered the materials on record. Allegations are very grave. Petitioner and others had abducted a minor and demanded ransom. Subsequently the minor was strangled to death. Thereafter, delay was due to a resolution at the Bar and engineered by accused who refused to take legal representation through lawyer appointed by DLSA concerned. Such delay cannot be attributed to the prosecution. Offences attract mandatory life imprisonment.

Keeping in mind the aforesaid circumstances and the gravity of the offence, we are not inclined to grant bail to the petitioner at this stage.

Accordingly, prayer for bail is rejected.

Trial court is requested to expedite the trial and conclude the same at an early date preferably within two years from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)