

15.05.2023

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rejected

C.R.M. (DB) No. 1912 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Habra Police Station Case No. 907 dated 03.11.2016 under Sections 376D/384 of the Indian Penal Code.

And

In Re : Dilip Brahma @ Mona petitioner

Md. Yunush Mondal
Mr. Pronojit Ry

... for the petitioner

Ms. Anasuya Sinha
Ms. Mayukhi Mitra

... for the State

Learned Counsel for the petitioner submits inspite of direction given by this Court in CRM (DB) 3173 of 2022 trial has not concluded. He is in custody for over seven years. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits matter was engineered by the petitioner.

We have considered the materials on record. We have also perused the order-sheet of the trial court. Cross-examination of PW 2 has been deferred on the prayer of the defence. In view of the aforesaid circumstance it appears that defence had dragged the proceeding which prevented conclusion of trial within the stipulated time. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is, thus, rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

