

18.05.2023
Sl. No.46
akd
[Rejected]

C. R. M. (DB) 2030 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 12.05.2023 in connection with Kasba Women Police Station Case No.162 of 2021 dated 19.06.2021 under Section 307 of the Indian Penal Code.

And

In Re: ***Kahar Mollah @ Molla***

... .. Petitioner

Mr. Kallol Kumar Basu
Md. Jannat-ul-Firdous

... .. for the petitioner

Mr. Saibal Bapuli .. Id. Addl. Public Prosecutor
Mr. Arani Bhattacharyya

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for over 600 days. It is further submitted there is inordinate delay in trial. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail and submits delay is due to deferment of cross-examination.

We have considered the materials on record. Injury on the victim is very grave. Trial has already commenced. Petitioner sought deferment of cross-examination which would result in delay and dilation of trial. Hence, it cannot stand in his mouth that there is inordinate delay at the behest of the prosecution. Under such circumstances and in view of gravity of the offence, 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.)

