

12.07.2023.
22.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 2302 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Berhampore P. S. Case No.1505 of 2019 dated 03.12.2019 under Sections 498A/304B/406/494/34 of the Indian Penal Code read with Section 4 of the Dowry Prohibition Act and charge sheet submitted under Sections 498A/302/34 of the Indian Penal Code.

In the matter of : Jakir Sk @ Jakir Hosain @ Saharul @ Raja.
... Petitioner.

Mr. S. Das Mahapatra,
Mr. Ali Ahsan Alamgir,
Ms. Soma Mal,
Ms. Rabia Khatun.

...for the Petitioner.

Mr. Saswata Gopal Mukherji, Id. P.P.,
Ms. Faria Hossain,
Mr. Manmata Jana.

...for the State.

Petitioner is in custody for two years and nine months. He submits there is delay in trial. He further submits trial court is lying vacant and the trial has been delayed. He prays for bail.

Under such circumstances, Registrar (Judicial Service) was directed to submit report. Report is placed on record.

From the report, it appears vacancy in the trial court may not be filled up in the near future.

However, allegations are serious and involve the murder of a housewife. Her dying declaration implicates the petitioner. Trial is in progress.

Hence, we are not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is rejected.

Bearing in mind the detention already suffered by the petitioner, we request the Judge-in-charge to proceed with the recording of evidence in the case till the incumbent joins his post.

Petitioner is directed to communicate this order to the court below for due compliance.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)