

21.07.2023
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rejected

C.R.M. (DB) 2899 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kanksa Police Station Case No. 184 of 2018 dated 14.06.2018 under Sections 302/120B/34 of the Indian Penal Code.

And

In Re : Sk. Abul Kalam @ Abul Kalam @ Sk. Abu Kalam @ Abu Kalam petitioner

Mr. Sourav Chatterjee
Mr. Samrat Choudhury
Mr. Abhijit Bhattacharya

... for the petitioner

Mr. Sudip Ghosh
Mr. Bitasok Banerjee

... for the State

Learned Counsel for the petitioner submits he is in custody for more than five years. It is also submitted there is inordinate delay in trial. It is also contended that inspite of direction given by this Court to conclude trial preferably within one year only two witnesses have been examined.

Learned Counsel for the State opposes the prayer for bail and submits delay in the matter is due to abscondence of the co-accused.

We have considered the materials on record. Ample materials have been collected against the petitioner. His bail prayer was rejected earlier on merits. Direction for prompt conclusion of trial could not be adhered to due to abscondence of co-accused and cannot be foisted on the prosecution.

Under such circumstances and in view of gravity of the offence we are not inclined to grant bail to the petitioner.

The application for bail is, thus, rejected.

Trial court is directed to take all endeavours to conclude the trial at the earliest without granting unnecessary adjournment to either of the parties.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

C.R.M. 192 of 2018

In Re.: An application under Section 439 of the Code of Criminal Procedure filed on 05.01.2018 in connection with Karimpur Police Station Case No. 136 of 2012 dated 03.07.2012 under Sections 420/467/468/471/120B of the Indian Penal Code.

And

In Re : Rabish Kumar Upadhyay petitioner

Mr. Asraf Ali

... for the petitioner

Mr. Debojyoti Deb

... for the State

Having considered the materials on record prima facie disclosing involvement of the petitioner in the alleged crime of misappropriation of monies of the innocent depositors and the fact that the petitioner has absconded for a protracted period of time, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is, thus, rejected.

(Rajarshi Bharadwaj, J.)

(Joymalya Bagchi, J.)

