

28.07.2023
tkm/ct 28
sl no.40

C.R.M. (DB) 3001 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Suri PS case no. 196 of 2020 dated 20.07.2020 under sections 403/409 IPC read with Sections 66/66C/66D I.T. Act.

And

In Re : Safiul Alam petitioner

Mr. Soubhik Mitter
Mr. Saryati Datta
Mr. S K Dan
Mr. C Biswas

..... for the petitioner

Mr. Sudip Ghosh
Mr. Bitasok Banerjee

..... for the State

It is submitted on behalf of the petitioner that in spite of direction given by this court trial has not progressed. There is inordinate delay in trial. He prays for bail.

Learned lawyer for the State opposes the bail prayer and submits delay has been engineered by protracted cross examination resorted on behalf of the defence.

We have considered the materials on record. Allegations against the petitioner are serious. It is alleged misappropriation over 1.30 crores from MGNREGA funds. Earlier his bail prayer was rejected on merits in June 2022. Direction was given to conclude the trial expeditiously preferably within one year from the date of recording evidence. Thereafter, PW 1 was examined in chief in two days. 18 dates were fixed for cross examination of the said witnesses. It is expected cross examination of a witness ought to be completed in 1/2 days. We find no reason for such prolonged cross examination. in view of the conduct of the defence which appears to

have dragged the case, we are not inclined to grant bail to the petitioner.

Accordingly, prayer for bail is rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)