

08.08.2023
Sl. No.68
akd
[Rejected]

C. R. M. (DB) 3125 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 01.08.2023 in connection with Kulti Police Station Case No.181 of 2017 dated 01.05.2017 under Sections 302/201/394/411/34 of the Indian Penal Code.

And

In Re: ***Kaushik Das @ Laltu***

... .. Petitioner

Mr. Ayan Basu
Sk. Salim
Mr. Sumit Routh

... .. for the petitioner

Ms. Anasuya Sinha
Mr. Pinak Kumar Mitra

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for over six years. It is further submitted only two witnesses have been examined till date. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail and submits delay in the matter is due to systemic reasons i.e. vacancy in the trial court and Covid pandemic during 2020-21.

We have considered the materials on record. Case involves murder and robbery. There are ample materials implicating the petitioner in the crime. Finger prints of the petitioner matched on the wallets of the victims. Trial is in progress. Offences, if proved, would attract mandatory life imprisonment. Delay in the matter cannot be attributed to the prosecution. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is thus rejected.

Trial court is directed to conduct the trial on a day to day basis and conclude the same at an early date preferably within two years from

the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

Parties shall communicate a copy of this order to the trial court for due compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)