

24.08.2023.
28.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 3324 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Burtolla P.S. Case No.196 of 2016 dated 06.06.2016 under Sections 364A/120B of the Indian Penal Code read with Sections 25(1B)(a)/27 of the Arms Act.

In the matter of : Abed Ali Khan @ Rajesh Khan.
... Petitioner.

Mr. Pinaki Bhattacharyya,
Mr. Amartya Mohan Bhattacharyya.
...for the Petitioner.

Mr. Neguive Ahmed, Id. A.P.P.,
Ms. Trina Mitra.
...for the State.

1. Petitioner is in custody for more than seven years. He submits there is delay in trial. He prays for bail.
2. We have considered the materials on record. Bail prayer of the petitioner was rejected earlier on merits in June, 2022. While rejecting bail, this Court directed trial of the case to be concluded within one year from the next date fixed for recording evidence.
3. Materials on record show the order was brought to the cognizance of the trial court only on 26th September, 2022. The expression 'next date of recording evidence' must, therefore, be read from the date of knowledge of the order by the trial court and not prior to it. Time frame for conclusion of trial has not come to an end. On the other hand, we note prosecution has been alert and has adduced evidence in the meantime.

4. Hence, we are not inclined to grant bail to the petitioner.
5. Accordingly, the prayer for bail of the petitioner is rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)