

06.09.2023
tkm/ct 28
sl no. 29

C.R.M. (DB) 3482 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Khejuri PS Case No. 205 of 2018 dated 17.10.2018 under sections 302/326/506/307/34 IPC
and

In Re : Ak. Arif Ali @ Suraj Ali petitioner

Mr. Swapan Kr. Mallick
Mr. M H Chowdhury
Mr. M Alam

..... for the petitioner

Mr. M Sur
Mr. D Paramanick

..... for the State

1. Petitioner is in custody for five years. He submits there is inordinate delay in trial. Co-accused are on bail. He renews his bail prayer.
2. Learned lawyer for the State opposes the bail prayer. He submits bail prayer of the petitioner was rejected in November 2022. Thereafter the court was lying vacant from February 2023 to August 2023.
3. We have considered the materials on record. Petitioner is the principal accused. Offence if proved, would attract mandatory life imprisonment. Bail prayer of the petitioner was rejected in November 2022. Thereafter the court was lying vacant from February 2023 to August 2023. Delay in the matter cannot be attributed to the prosecution.
4. Under such circumstances and in view of the gravity of offence we are not inclined to grant bail to the petitioner.
5. Accordingly, the prayer for bail is rejected.

6. Trial court is requested to conduct the trial with utmost expedition 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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)