

18.09.2023
Sl. No.23
akd
[Rejected]

C. R. M. (DB) 3612 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 11.09.2023 in connection with Kharagpur GRPS Police Station Case No.91 of 2016 dated 17.05.2016 under Sections 395/397/412 of the Indian Penal Code and Sections 25/27 of the Arms Act and subsequently charge sheet submitted under Sections 395/397/412/120B of the Indian Penal Code and Sections 25(i)(a)/27/35 of the Arms Act. (G.R. Case No.91 of 2016)

And

In Re: ***Hasanujjaman Mondal***

... .. Petitioner

Mr. Anand Kesari
Mrs. Sutapa Ghosh (Bose)

... .. for the petitioner

Mr. Sudip Ghosh
Mr. Bitasok Banerjee

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than a year. It is further submitted there is delay in trial. Co-accused have been enlarged on bail. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioner had absconded for more than five years. Trial has considerably progressed and five witnesses have been examined.
3. We have considered the materials on record. Petitioner had absconded for more than five years. This delayed the trial. He cannot claim parity with co-accused who were in detention for more than four years before being released on bail. Thirteen witnesses have been examined till date. Under such circumstances and as there is high possibility of the petitioner absconding if released on bail, we are not inclined to grant bail to the petitioner at this stage.
4. The application for bail is thus rejected.

5. Trial court is directed 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.
6. Parties shall communicate a copy of this order to the trial court for due compliance.

(Ajoy Kumar Mukherjee, J.)

(Joymalya Bagchi, J.)