

13.10.2023.
20.
Ct.No.28
As
(Rejected)

C.R.M. (DB) 3856 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with South Port P. S. Case No.446 of 2012 dated 19.12.2012 under Sections 121/121A/123/124A of the Indian Penal Code read with Section 5 of the Explosive Substance Act.

In the matter of : **Mizanur Rahaman @ Shahajahan @ Babloo.**

... Petitioner.

Mr. Aniruddha Bhattacharyya.

...for the Petitioner.

Mr. Ranabir Roy Chowdhury,
Mr. Sandip Chakraborty.

...for the State.

1. Petitioner is in custody for more than ten years. He contends there is slow progress in trial. He prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He submits petitioner is a life convict and serving his term in jail. Subsequently, he has been booked in this case and seven witnesses have already been examined.
3. We have considered the materials on record. Petitioner has criminal antecedents. He is a life convict who is serving term in jail. Subsequently, he was arrayed as an accused in the present case and trial has substantially progressed.
4. Under such circumstances, we are of the opinion this is not a fit case to enlarge the petitioner on bail.
5. Accordingly, the prayer for bail of the petitioner is rejected.

6. We request the Trial Court to ensure trial is concluded positively within a year from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

7. Parties shall communicate this order to the Trial Court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)