

22.12.2023.
17 & 18.
Ct.No.28
as
(Rejected)

**C.R.M. (DB) 4491 of 2023
with
CRA (DB) 84 of 2023.**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Lalpur P.S. Case No.105 of 2018 dated 21.08.2018 under Sections 341/307/302/34 of the Indian Penal Code and Sections 3/ 4 of the Explosive Substances Act.

In the matter of : **Tajir Sk.**

... Petitioner.

Md. Sabir Ahmed,
Mr. T. Ahmed,
Mr. Dhiman Banerjee.

...for the Petitioner.

Mr. Tanmoy Kr. Ghosh, ld. Sr.G.A.
Mr. M. F. A. Begg.

...for the State.

1. Petitioner is an absconding accused. He is presently in custody for 306 days. He contends as the lower court records have been called for in connection with CRA (DB) 84 of 2013 trial is not proceeding. He prays for bail.

2. Learned Advocate for State opposes the bail prayer. He contends petitioner had absconded and was declared a proclaimed offender. Other accused have been convicted and the appeal is pending before this Court.

3. We have considered the materials on record. Petitioner was a proclaimed offender. Co-accused have been convicted and have appealed before this Court. Lower court records have been called for. As a consequence, trial of the petitioner who has been subsequently arrested is halted.

4. Under such circumstances, though we are not inclined to grant bail to the petitioner, we direct the lower court records to be remitted to the trial court for conclusion of trial. Trial Judge shall conclude the trial within three months from the date of receipt of lower court records without granting unnecessary adjournment. After conclusion of trial, lower court records shall be forthwith sent back to this Court.

5. Accordingly, the prayer for bail of the petitioner is rejected.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)