

07.6.2023
Court No.01
Item No. 10
ar
Rejected

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

CRM (DB) 176 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Mathabhanga Police Station Case No. 64 of 2011 dated 28.02.2011 under Sections 395/396/397/216A of the Indian Penal Code.

And

In Re: **Yusuf Ali @ Eusuf Ali @ Md. Ichhar Mian**
.... Petitioner

Mr. Sanjib Bandyopadhyay ... For the Petitioner

Ms. Aditi Shankar Chakraborty, Ld. APP
Mr. Aniruddha Biswas ... For the State

The petitioner has renewed the prayer for bail. The petitioner has a criminal antecedent.

It appears that other co-accused persons granted bail did not appear on the date fixed by the trial court. However, we cannot overlook the fact that a coordinate bench directed the trial court to conclude the trial within six months from 15th March, 2021.

In view of the fact that the charge-sheet was filed on 12.6.2011 and the charge was framed in 2012, however, the fact remains that the petitioner was arrested on 20th August, 2014. It clearly shows that he was absconding for which in spite of framing of charges the trial could not commence.

In view of the criminal antecedent of the petitioner and having regard to the fact that the possibility of his absconding, we are not inclined to grant bail to the petitioner at this stage.

The application for bail of the petitioner is rejected. CRM (DB) 176 of 2023 is accordingly, disposed of.

However, we direct the learned District Judge, Coochbehar, to assign this matter to a particular bench for expeditious disposal of the trial.

The trial should be concluded within one year from the next date fixed.

It appears from the earlier order that 10 accused persons on bail did not appear on the date fixed, we make it clear that in the event the accused persons on bail fail to appear, the trial court shall take immediate steps for cancellation of their bail and proceed with the trial as expeditiously as possible.

The aforesaid order is peremptory. The trial court is directed to strictly comply with Section 309 Cr.P.C.

The prosecution is directed to produce all the witnesses including the official witness, if any, following SOP.

In view of the fact that the petitioner is represented by Sanjib Bandyopadhyay, learned advocate, on virtual mode, the appointment of Mr. Kallol Ghosh appointed by the Secretary, DLSA, Jalpaiguri is recalled.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Raja Basu Chowdhury, J.)

(Soumen Sen, J.)