

05.06.2023
SL No.24
Court No.1
(gc)
(Rejected)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

CRM (DB) 243 of 2023

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with G.R. Case No.5557 of 2022 arising out of Siliguri Police Station Case No.1173 of 2022 dated 26.12.2022 under Sections 363/365 of the Indian Penal Code.

And

In the matter of : **Md. Ansarul Ali**

- Petitioner.

Ms. Madhushri Dutta,
... For the Petitioner.
Mr. Abhijit Sarkar,
Mr. Arjun Chowdhury,
... For the State

The learned Counsel for the petitioner submits that the petitioner is innocent and is languishing in jail for five months.

The learned Counsel for the State, however, opposes the prayer for bail and submits that on the basis of the statement of the accused the weapon was recovered and the complicity of the petitioner was established.

Having considered the final report, seizure list and the other materials available in the case diary directly implicating the petitioner in the commission of offence, we are not inclined to grant bail to the petitioner at this stage. However, our views are prima facie.

Accordingly, the application for bail is, thus, rejected.

Since the petitioner is in custody for five months, we direct the learned Additional District and Sessions Judge, Fast Track Court, Siliguri to fix a date for framing of charges and upon the charge being framed to proceed with the trial as expeditiously as possible.

Accordingly, the application for bail being CRM (DB) 243 of 2023 is disposed of.

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

(Raja Basu Chowdhury, J.)

(Soumen Sen, J.)