

07.03.2024
Sl. No.21
akd
[Rejected]

C. R. M. (DB) 582 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 20.02.2024 in connection with Jorasanko Police Station Case No.498 of 2017 dated 24.10.2017 under Sections 302/34/394 of the Indian Penal Code.

And

In Re: ***Md. Ashar Firdousi @ Md. Ashar Firdausi @ Md. Ashar @ Md. Azar @ Md. Azhar***

... .. Petitioner

Mr. Sourav Chatterjee
Mr. Saibal Krishna Dasgupta

... .. for the petitioner

Mr. Debasish Roy .. Id. Public Prosecutor
Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor
Ms. Amita Gaur

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than six years. It is further submitted there is inordinate delay in trial. Accordingly, he prays for bail.
2. Learned Public Prosecutor opposes the prayer for bail. He submits trial was delayed as one of the accused was a child in conflict with law and proceedings were continuing in different *fora*.
3. We have considered the materials on record. Pursuant to direction given by this court, proceedings against the petitioner and CCL have been transferred to the same court and are being tried independently one after another. Four witnesses have already been examined and examination of PW 5 is in progress. Learned Public Prosecutor assures this court that prosecution shall streamline number of witnesses and examine another 25 witnesses within eighteen months from the next date fixed before the court below subject to cooperation on behalf of the defence and systemic delays.

4. Materials on record show petitioner was identified by eyewitnesses during Test Identification Parade. Offences, if proved, would attract mandatory life imprisonment. In view of the gravity of offence and the assurance given on behalf of the prosecution to conclude examination of witnesses within eighteen months, we are not inclined to grant bail to the petitioner at this stage.
5. The application for bail is thus rejected.
6. Trial court is directed to expedite the trial and conclude the same at an early date.
7. Parties shall communicate a copy of this order to the trial court for due compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)