

10.04.2024
Sl. No.25
akd
[Rejected]

C. R. M. (DB) 1009 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 22.03.2024 in connection with Bhadreswar Police Station Case No.441 of 2017 dated 22.11.2017 under Sections 302/34/120B of the Indian Penal Code read with Sections 25/27/35 of the Arms Act.

And

In Re: **Baban Yadav**

... .. Petitioner

Mr. Bikash Chandra Halder

... .. for the petitioner

Ms. Amita Gaur

Mr. Ivan Roy

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about six years and four months. It is further submitted there is inordinate delay in trial. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits examination of the Investigating Officers is in progress. Date has been fixed for cross-examination of one of the officers on 16.05.2024. She assures this court that trial shall be concluded within six months from the said date subject to cooperation by the defence and systemic delays.
3. We have considered the materials on record. There are ample materials implicating the petitioner with the murder. Offences, if proved, would attract mandatory life imprisonment. Trial is at its fag-end and prosecution assures this court that trial shall be concluded within six months subject to cooperation by the defence and systemic delays. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.
4. The application for bail is thus rejected.

5. Trial court is directed to expedite the trial in the light of the assurance given by the prosecution. Parties are directed to cooperate with the trial court in that regard.
6. Parties shall communicate a copy of this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)