

22.04.2024
Sl. No.28
akd
[Rejected]

C. R. M. (DB) 1023 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 Kulpi Police Station Case No.256 of 2019 dated 01.09.2019 under Sections 363/365/468/471/372/373/364/302/201/120B/34 of the Indian Penal Code. (G.R. Case No.2283 of 2019)

And

In Re: ***Md. Nur Hossain Molla***

... .. Petitioner

Mr. Suman Sankar Chatterjee
Mr. Pronay Basak

... .. for the petitioner

Mr. Madhusudan Sur .. Id. Addl. Public Prosecutor
Mr. Dipankar Paramanick

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than four years. It is further submitted there is inordinate delay in trial. Co-accused have been enlarged on bail. Accordingly, he prays for bail.
2. Learned Additional Public Prosecutor opposes the prayer for bail and submits petitioner is the principal accused. He had taken away the victim along with her minor child. He murdered the victim and sold the child. Petitioner does not stand on the same footing with co-accused who have been enlarged on bail. 21 witnesses are yet to be examined. Learned Additional Public Prosecutor assures this court that trial shall be completed within six months from the next date fixed for recording evidence subject to cooperation by the defence and other systemic delays.
3. We have considered the materials on record. Evidence of the approver viz. Lucky Kumar Shaw implicates the petitioner in the crime. His evidence is corroborated by other circumstantial

evidence. Allegation of murder is levelled against the petitioner and he does not stand on the same footing with co-accused who are on bail. Offences, if proved, would attract mandatory life imprisonment. Trial has considerably progressed. Prosecution assures this court that trial shall be completed within six months from the next date fixed for recording evidence subject to cooperation by the defence and other 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 shall cooperate with the trial court in this regard.
6. Parties shall communicate a copy of this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)