

30.04.2024
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rejected

C.R.M.(DB) No. 1339 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Karaya Police Station Case No. 234 of 2015 dated 14.05.2015 under Sections 120B/302 of the Indian Penal Code read with Sections 25(1B)(a)/27 of the Arms Act.

And

In Re : Md. Shahnawaz @ Md. Shahnawaj petitioner

Mr. Aniruddha Bhattacharya

Mr. Rahul Acharya

....for the petitioner

Ms. Amita Gaur

Mr. Suman Saha

... for the State

1. Learned Counsel for the petitioner submits he is in custody for more than eight years. It is also submitted there is delay in trial. He renews his bail prayer.

2. Learned Counsel for the State opposes the bail prayer and submits bail prayer of the petitioner was rejected in November, 2022. Thereafter on a number of occasions defence took adjournment. Matter was also adjourned due to systemic delays.

3. We have considered the materials on record. Twenty witnesses have been examined in full. Cross examination of PW 21 is continuing on a number of days. Having examined the report submitted before us we note defence had taken adjournment on a number of occasions. We deprecate the practice seeking adjournment during cross-

examination of witnesses. Prosecution assures this Court that trial shall be concluded as expeditiously as possible. Under such circumstances and in view of gravity of the offence we are not inclined to grant bail to the petitioner.

4. Application for bail is, thus, rejected.

5. We direct the trial court to take necessary steps to fix schedules comprising of three to four days in every month and conclude trial within eighteen months from the next date fixed for recording evidence.

6. In the event witnesses are present their examination shall be concluded in course of the schedule and not deferred to the next schedule.

7. Parties shall co-operate with the trial court and communicate this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)