

07.05.2024
Sl. No.19
akd
[Rejected]

C. R. M. (DB) 1439 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 26.04.2024 in connection with Dankuni Police Station Case No.465 of 2016 dated 06.12.2016 under Sections 300/364/302/201/34 of the Indian Penal Code. (G.R. Case No.2659 of 2016)

And

In Re: **Sk. Tajmuddin @ Tabu @ Tajimuddin**
... .. Petitioner

Mr. Arunava Ganguly
... .. for the petitioner

Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor
Md. Adil Badr
... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about six years. It is further submitted there is inordinate delay in trial. Accordingly, he renews his prayer for bail.
2. Learned Additional Public Prosecutor opposes the prayer for bail and submits trial is at its fag-end. Only two prosecution witnesses are left to be examined.
3. We have considered the materials on record. Bail prayer of the petitioner was rejected earlier on merits. Thereafter, trial has progressed and only two prosecution witnesses are left. Prosecution assures this court that trial shall be concluded within six months from the next date fixed for recording evidence subject to cooperation by defence and systemic delays. Offences, if proved, would attract mandatory life imprisonment. Under such circumstances and in view of the assurance given by the prosecution, 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 and conclude the same at an early date 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.)