

11.06.2024
Item no. 18
Court No.28.
AB
(Rejected)

CRM (DB) 1413 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Asansol South Police Station Case No.333 of 2020 Dated 21.10.2020 under Sections 302/201/120B of the Indian Penal Code

And

In the matter of : Rahul Ankuria

.....Petitioner.

Mr. Ayan Basu,
Sk. Salim,
Mr. Sumit Routh for the Petitioner.

Mr. Antarikhya Basu,
Mr. Raju Mondal for the State.

The petitioner renews his prayer for bail. His prayer was earlier rejected by an order dated March 14, 2023, whereby his bail application being CRM (DB) 925 of 2023 was rejected. However, the Coordinate Bench directed the Trial Court “to conclude the trial as expeditiously as possible preferably within one year from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.”

Learned Advocate for the petitioner says that in spite of the aforesaid direction, only 3 out of 31 witnesses have been examined till date. The petitioner is in custody for about 3 years 7 months and 19 days. He is renewing his prayer for bail not only because the aforesaid direction of the Coordinate Bench has not been followed but also because his right to personal liberty

under Article 21 of the Constitution of India stands infringed by the inordinate delay in the progress of the trial.

Learned Advocate for the State opposes the prayer for bail. He produces the case diary and draws our attention to statements recorded under Section 164 Cr.P.C. which prima facie implicate the petitioner. The charge is of murder. As per the statements of the witnesses, the petitioner was last seen with the deceased victim. Learned Advocate says that every effort is being made to expedite the trial.

Having seen the material in the case diary and the prima facie evidence implicating the petitioner and considering the gravity of the alleged offence, we are not inclined to allow the prayer for bail, at this stage.

The prayer for bail is, accordingly, rejected.

However, we express our disappointment for the learned Trial Court not having complied with the earlier direction of the Coordinate Bench for whatever reason. We direct the learned Trial Court to conclude the trial positively within the next one year failing which the petitioner will be entitled to renew his prayer for bail.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)

