

10.05.2024
Sl. No.24
akd
[Rejected]

C. R. M. (DB) 1483 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 25.04.2024 in connection with Deganga Police Station Case No.203 of 2014 dated 08.04.2014 under Sections 302/201 of the Indian Penal Code and Sections 25/27 of the Arms Act. (G.R. Case No.2239 of 2014)

And

In Re: ***Asgar Ali @ Chottu***

... .. Petitioner

Mr. Imtiaz Ali
Md. Yunush Mondal
Mr. Pronojit Roy

... .. for the petitioner

Ms. Minoti Gomes
Ms. Payel Ghosh

... .. for the State

1. It is submitted on behalf of the petitioner that he was on bail earlier. Due to pandemic conditions prevailing in 2020-2021, he failed to appear. Warrant of arrest came to be issued. Then he was re-arrested and is in custody for about 120 days. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits eighteen witnesses were examined. Thereafter petitioner absconded. She assures this court that trial shall be concluded within one year from the date subject to cooperation by defence and systemic delays i.e. vacancy in the trial court.
3. We have considered the materials on record. Petitioner was charged of murdering his brother-in-law. Eighteen witnesses have been examined. Thereafter petitioner absconded. Presently he has been re-arrested. Prosecution proposes to conclude trial within one year from the date the Presiding Officer assumes charge of the court.

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.
6. Parties shall communicate a copy of this order to the trial court for due compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)