

19.06.2024
Sl. No.101
akd
[Rejected]

C. R. M. (DB) 1648 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 15.05.2024 in connection with Rajarhat Police Station Case No.296 of 2022 dated 21.09.2022 under Sections 302/120B of the Indian Penal Code read with Sections 25(1B)(a)/35 of the Arms Act. (G.R. Case No.3865 of 2022)

And

In Re: ***Sk. Rajesh Ali @ Rajesh @ Rakesh @ Sk. Rajes Ali @ Sk. Rakesh Ali***

... .. Petitioner

Mr. Shibaji Kumar Das
Ms. Sayani Pan

... .. for the petitioner

Mr. Saibal Bapuli .. Id. Addl. Public Prosecutor
Mr. Samarjit Balial

... .. for the State

The petitioner renews his prayer for bail which was rejected twice earlier, lastly on March 14, 2024 in CRM (DB) 810 of 2024.

The petitioner says that he is in custody for one year and eight months. After the last rejection of his prayer for bail, nothing has progressed. There are 58 charge-sheeted witnesses. There is absolutely no possibility of early conclusion of the trial. He may be enlarged on bail.

Mr. Saibal Bapuli, learned Additional Public Prosecutor vehemently opposes the prayer for bail. He says that the charge is serious, that of a murder. There is sufficient incriminating evidence against the petitioner. July 8, 2024 has been fixed as the date for framing of charges. The petitioner's prayer should be rejected.

Having considered the material on record and the quantum and quality of evidence prima facie implicating the petitioner, and the gravity of the charge, we are not inclined to allow the petitioner's prayer at this stage.

The application for bail is, accordingly, rejected.

However, since the petitioner has been in custody for quite some time, we direct that on the next date the charge must positively be framed. Thereafter the learned trial court shall spare no effort to expedite the trial and conclude the same at the earliest.

Parties shall communicate this order to the learned trial court.

(Arijit Banerjee, J.)

(Gaurang Kanth, J.)