

21.06.2024
Item no. 8.
Court No.28.
AB
(Rejected)

CRM (DB) 1665 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Rajarhat P. S. Case No.296 of 2022 dated 21.9.2022 under Sections 302/120B of the Indian Penal Code read with Sections 25(1B)(a)/35 of the Arms Act

And

In the matter of : Md. Sarif @ Akash @ Bhupo

.....Petitioner.

Mr. Abhijit Ganguly
Mr. Shiladitya Banerjeefor the Petitioner.

Ms. Sonali Das,
Ms. Trisha Rakshitfor the State.

The petitioner renews his prayer for bail, which was rejected earlier by a Coordinate Bench by an order dated May 17, 2023, passed in CRM (DB) 1982 of 2023.

The petitioner says that he is in custody for one year and eight months. Charge has not yet been framed. There are 58 witnesses named in the charge sheet. It is anybody's guess when the trial will conclude. Two other accused persons have been granted bail. He stands on the same footing as those persons. He prays for bail.

Learned Advocate for the State opposes the prayer. She says that the petitioner is one of the supari killers. There is sufficient incriminating evidence against him.

We are told that charge sheet was submitted in December, 2022. We are at a loss to understand why charge has

not been considered as yet. We are told that July 8, 2024, has been fixed as the date for consideration of charges.

In view of the prima facie incriminating evidence against the petitioner, we are not inclined to allow the petitioner's prayer for bail, at this stage.

The prayer for bail is, accordingly, rejected.

CRM (DB) 1665 of 2024 is dismissed.

However, keeping in mind that the petitioner is in incarceration for a considerable period of time, we direct the learned Trial Court to ensure that charge is considered on the date fixed and then to ensure an expeditious disposal of the trial definitely within a period of one year from the date of framing of charge.

We make it clear that if the trial is not concluded within the time period indicated above, the petitioner will be at liberty to renew his prayer for bail.

The parties shall communicate this order to the learned Trial Court.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)

