

CRM (DB) 1891 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Habra Police Station** Case No. **314 of 2017** dated **28.04.2017** under Sections **302** of the Indian Penal Code.

- A n d -

In the matter of : Abhijit Deb

.... Petitioner.

Mr. Navanil De,
Mr. S. Ghosh,
Mr. S. Mazumder,

... For the Petitioner.

Mr. Rudradipta Nandy,
Mr. Santanu Takuldar,

... For the State.

This is the seventh application of the petitioner praying for bail. The sixth application was rejected by an order dated September 29, 2023. It was recorded in that order that the last prosecution witness was being examined. The Coordinate Bench rejected the bail application by requesting the learned Trial Court to hold the trial on day to day basis and conclude the same preferably within six months from the next date fixed for recording of evidence without granting unnecessary adjournments.

Learned Advocate for the petitioner says that his client is in custody for more than seven years. No effect has been given to the earlier order of the Coordinate Bench passed on September 29, 2023.

Learned Advocate for the State says that on the last three occasions the defence Counsel cross examined the last prosecution

witness. July 24, 2024 has been fixed as the next date for recording of evidence.

We see from the records that there are *prima facie* incriminating materials against the petitioner. We are not inclined to grant bail to the petitioner at this advanced stage of trial. However, we are surprised and perturbed to see that although the Coordinate Bench requested the learned Trial Court to conclude the trial within six months from September 29, 2023, the case is still pending.

Learned Advocate for the State says that the delay was due to the concerned post lying vacant for some time. Now an incumbent has joined.

We direct the learned Trial Court to conclude the trial by delivery of judgment positively by the end of August, 2024.

CRM (DB) 1891 of 2024 is, thus, dismissed.

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

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)