

CRM (DB) 1981 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Nowda Police Station** Case No. **211 of 2023** dated **08.07.2023** under Sections **302/34** of Indian Penal Code and Sections 3/4 of the Explosive Substances Act.

- A n d -

In the matter of : Abdul Gani Molla @ Goni Molla

.... Petitioner.

Mr. Sekhar Kumar Basu,
Mr. A. Mondal,

... For the Petitioner.

Mr. Abhishek Sinha,
Mr. D. Brahma,

... For the State.

Mr. P. Kr. Chatterjee,

.... For the defacto complainant.

The petitioner says that he has no connection with the alleged crime. He is in custody for 360 days. The charges have only recently been framed. Witness action has not begun. He should be granted bail.

Learned Advocate for the State strongly opposes the prayer for bail. He draws our attention to the statements of witnesses recorded under Sections 161/164 of the Code of Criminal Procedure. Almost all the statements recorded under Section 161 mentions this petitioner as the assailant.

Although, in the statement recorded by the victim's son recorded under Section 164 of the Code of Criminal Procedure, apart from this petitioner, two other persons, namely Safiujjaman Sk. @ Habib and Manirul Mollah were named and they were subsequently discharged, we find that those two persons were not

named in any of the statements recorded under Section 161 of the Code of Criminal Procedure. Hence, it cannot be said that this petitioner stands on the same footing as those two persons. *Prima facie*, we find incriminating evidence against this petitioner. Hence, we are not inclined to allow his prayer for bail at this stage.

CRM (DB) 1981 of 2024 is, thus, dismissed.

However, considering that the petitioner is in custody for almost one year, we direct the learned Trial Court to expedite the trial to the utmost and conclude the same at an early date without granting unnecessary adjournments to either of the parties and if necessary by fixing frequent schedules for examination of witnesses.

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.)