

10.07.2024
Item no. 18.
Court No.28.
AB
(Rejected)

CRM (DB) 1954 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Sagarpara P.S. Case No.101 of 2023 dated 17.4.23 under Sections 341/302/326/307/34 of the Indian Penal Code read with Section 25/27 of the Arms Act

And

In the matter of : Abul Sk.

.....Petitioner.

Mr. Arnab Chatterjee
Ms. Dhanasree Biswas
Ms. Poulami Bosefor the Petitioner.

Mr. Bivashan Bhattacharya
Mr. Soumadip Sahafor the State.

Order dictated in open Court by Apurba Sinha Ray, J.

Learned Counsel for the petitioner has submitted that the petitioner has been languishing in the judicial custody for about one year and two months and investigation is complete. There is little material against the present petitioner to show his complicity in the alleged offence. Considering the period of detention, he should be granted bail on any condition.

Learned Advocate for the State has raised objection. According to him, five accused persons are still absconding. In spite of that, the trial of the case has been split up and charge has been framed against five other accused persons including the present petitioner and the prosecution is committed to complete the trial of this case within a very short span of time.

August 5, 2024, has been fixed as the date for recording of evidence.

We have gone through the statements of witnesses recorded under Section 164 Cr.P.C. as well as other material on record. We find that there is sufficient incriminating material against the petitioner. As the trial has already commenced, we are not inclined to allow the prayer of the petitioner, at this stage.

The prayer for bail is, accordingly, rejected.

CRM (DB) 1954 of 2024 is dismissed.

However, considering the fact that the petitioner is in custody for over a year, we direct the learned Trial Court to expedite the trial to the fullest extent possible and conclude the same as early as it can and preferably within 18 months from the next date fixed for recording of evidence, without granting any unnecessary adjournment to either of the parties.

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.)

