

10.07.2024
Item no. 44.
Court No.28.
AB
(Rejected)

CRM (DB) 2000 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Islampur P.S. Case No.751 of 2023 dated 10.10.23 under Sections 448/326/307/302/120B of the Indian Penal Code

And

In the matter of : Javed Akhter @ Aktar

.....Petitioner.

Mr. Sekhar Basu, Sr. Adv,
Mr. Amit Royfor the Petitioner.

Mr. Suman De,
Mr. S. Balialfor the State.

Mr. Tanmoy Chattopadhyay
....for the Defacto complainant.

The petitioner says that he had no active role to play in the alleged murder of the victim. He is in custody for 275 days. There are 15 witnesses. It will take a long time for the trial to conclude. He should be granted bail.

Learned Advocates for the State as well as defacto complainant strongly oppose the prayer. They say that the defacto complainant is the mother of the victim. At midnight of the relevant day, 6 persons entered the house of the victim. After that the defacto complainant found the victim lying injured in his bedroom. He succumbed to such injuries. One of the accused persons is the victim's wife. The petitioner is alleged to be the paramour of the victim's wife.

We have seen the material in the case diary. We are told that the offending bloodstained weapons were recovered on the basis of the leading statement made by the petitioner.

On an overall assessment of the material on record and the possible extent of complicity of the petitioner in the alleged crime, we are not inclined to allow the petitioner's prayer for bail, at this stage.

The prayer for bail is, accordingly, rejected.

CRM (DB) 2000 of 2024 is dismissed.

We are told that the first schedule for examination of witnesses was fixed on July 3, 2024. Considering that the petitioner is in custody for quite some time and the fundamental right of a citizen to personal liberty and speedy trial cannot be undermined, we direct the learned Trial Court to expedite the trial to the fullest extent possible and conclude the same as soon as possible.

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.)

