

14.08.2024
Item no. 71.
Court No.28.
AB
(Rejected)

CRM (DB) 2178 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Ghatal Police Station Case No.118 of 2017 Dated 16.6.2017 under Sections 458/436 302/120B/506/34 of the Indian Penal Code

And

**In the matter of : Sk. Farid @ Sk. Fariuddin
@ Sk. Farid Uddin
.....Petitioner.**

Mr. Amit Ranjan Pati,
Ms. Swastika Choudhuryfor the Petitioner.

Mr. Joydeep Roy
Ms. Puspita Sahafor the State.

Dictated by Partha Sarathi Sen, J.

1. It is submitted on behalf of the petitioner that though the present petitioner was enlarged on bail by the learned Trial Court but subsequently such bail order was cancelled on the ground that it was not placed before the Trial Court that there existed a previous rejection order of bail of the present accused petitioner by this Court.
2. Be that as it may, from the materials as placed before us, we find that subsequently the said order of cancellation of bail was challenged before the Hon'ble Apex Court and the Hon'ble Apex Court affirmed such order and pursuant to such order of the Hon'ble Apex Court, the present accused

petitioner surrendered before the Trial Court on 12.3.2024.

3. It is further submitted on behalf of the petitioner that since then, he is languishing in jail custody in connection with an incident which occurred in the year 2017. It is thus submitted that the petitioner may be enlarged on bail.
4. While opposing the prayer for bail, learned Advocate for the State submits before this Court that delay in trial, if any, is completely attributable to the present petitioner on account of his suppression. It is further submitted that from the statements of the witnesses as recorded under Section 161/164 Cr.P.C. involvement of the petitioner is found to be prominent.
5. On consideration of the rival submissions of the learned Advocates for the contending parties and after consideration of the entire materials as placed before this Court, we are convinced that delay in trial, if there be any, is not at all attributable to the prosecution and it happened on account of the suppression of the present accused petitioner. There are specific materials as against this petitioner at least prima facie regarding his involvement in the alleged offence.

6. In view of the aforesaid, we are not inclined to exercise our discretion under Section 439 Cr.P.C. in favour of the petitioner.
7. The prayer for bail is, accordingly, rejected.
8. CRM (DB) 2178 of 2024 is dismissed.
9. The parties shall communicate this order to the learned Trial Court.
10. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Partha Sarathi Sen, J.)