

02.09.2024
Item no. 25.
Court No.28.
AB
(Rejected)

CRM (DB) 2180 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Manikchak Police Station Case No.454 of 2023 Dated 20.06.2023 under Sections 302/34 of the Indian Penal Code

And

In the matter of : Sarban MahaldarPetitioner.

Mr. Sagar Sahafor the Petitioner.

Mr. Joydeep Biswas,
Ms. Madhumita Basakfor the State.

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail, which was rejected on merits by Coordinate Benches on four occasions, lastly on April 12, 2024. He says that he is in custody for more than 400 days. The case has not even been committed. He is not the principal accused.
2. Opposing the prayer for bail, learned State Counsel points out from the material on record that there are eyewitnesses recording statements under Section 164 Cr.P.C. The statements implicate the petitioner as the principal accused. The charge is of murder. Steps have been taken for cancellation of bail/anticipatory bail granted to the other accused persons, who, in turn, absented themselves from the learned Trial Court, thereby stalling the progress of the trial.

3. Considering the material on record and the several rejections of the petitioner's prayer for bail on merits by Coordinate Benches, and also given the prima facie incriminating material against the petitioner, we are not inclined to allow the petitioner's prayer for bail, at this stage.
4. The prayer for bail is, accordingly, rejected.
5. CRM (DB) 2180 of 2024 is dismissed.
6. However, considering that the petitioner is in custody for fairly good number of days, we direct the learned Magistrate to expedite the entire process, in accordance with law so that the trial can be concluded at an early date.
7. The parties shall communicate this order to the learned Trial Court.
8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Prasenjit Biswas, J.)

