

27.08.2024
Item no. 30.
Court No.28.
AB
(Rejected)

CRM (DB) 2244 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 Kaliaganj P.S. Case No.506 of 2023 dated 29.11.2023 under Sections 447 341/325/326/307/506/302/34 of the Indian Penal Code

And

In the matter of : Najmuna Khatun

.....Petitioner.

Mr. Dipanjan Chatterjeefor the Petitioner.

Mr. Debasish Roy, Id. PP
Mr. Arijit Ganguly,
Mr. Koushik Kundufor the State.

Ms. Buna Khatunfor the Defacto complainant.

Dictated by Arijit Banerjee, J.

1. The petitioner renews her prayer for bail, which was rejected by a Coordinate Bench on merits by an order dated 9.4.2024, passed in CRM (DB) 1059 of 2024. The petitioner says that since such rejection, there has been no progress in the trial at all. She is languishing in judicial custody for about seven months.
2. While opposing the prayer for bail, learned Public Prosecutor draws our attention to the statements of witnesses recorded under Section 164 Cr.P.C. The petitioner is specifically named as one of the assailants and having taken active part in the incident, which led to the death of the victim.

3. Hence, 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) 2244 of 2024 is dismissed.
6. We understand that seven accused persons are at large. Learned Public Prosecutor says that proclamation has been issued as regards them. Be that as it may, the trial cannot be kept suspended indefinitely just because some accused persons are absconding. Learned Court below is directed to take immediate steps for splitting up the trial, in accordance with law, and proceed with the trial insofar as the other accused persons including the petitioner are concerned, and bring the trial to an expeditious conclusion.
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.)

(Bivas Pattanayak, J.)

