

06. 05.09.2024
Court
No.28 (Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2224 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with Khargram P.S. Case No. 301/2018 dated 20.11.2018.

And

In the matter of: - **Bankarul Sk. @ Abdul Rafik @ Bakarul Sk.**

...petitioner.

Mr. Manas Kumar Das

...for the petitioner.

Mr. Abhisek Sinha

Mr. Arup Sarkar

...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail which was rejected earlier on April 4, 2023, in CRM (DB) 1336 of 2023.
2. The petitioner says that he is in custody for one year and nine months. Even charge has not been framed. There are 18 charge-sheet named witnesses. He prays for bail on the ground of delay in progress of trial.
3. While opposing the prayer for bail, learned State Advocate points out that the petitioner was absconding for about four years. Several other accused persons were also absconding. That is why there is delay in progress of the trial. September 19, 2024, has been fixed as the date for considering the issue of framing of charges. There is sufficient incriminating

evidence against this petitioner. At least four eyewitnesses have implicated this petitioner.

4. In view of the aforesaid, we are not inclined to allow the petitioner's prayer for bail.
5. The application being CRM (DB) 2224 of 2024 is accordingly dismissed.
6. However, since the petitioner has been in custody for an appreciable period of time, we direct the learned Trial Court to positively consider the issue of framing of charges on the date fixed therefor and if charge is framed, then to conclude the trial as expeditiously as possible and definitely within one year from the date of framing of charges.
7. This order shall be communicated by the parties and the learned Registrar General of this Court to the learned Trial Court immediately.

(Arijit Banerjee, J.)

(Prasenjit Biswas, J.)