

34. 24.09.2024
Court
No.28 (Tanmoy)

Rejected

CRM (DB) 2479 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 Krishnagar GRPS Case No. 05/2023 dated 02.05.2023.

And

In the matter of: - **Babulal Roy & Anr.**

...petitioners.

Mr. Prabir Majumder

...for the petitioners.

Mr. Atif Ahmed Siddiqui

...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioners renew their prayer for bail which was rejected earlier on merits by a co-ordinate Bench on December 20, 2023, in CRM (DB) 4593 of 2023. The petitioners say that they are in custody for about 15 months. Not a single witness has been examined since the framing of charge about a year ago.
2. While opposing the prayer for bail, learned Advocate for the State says that the prosecution is not to be blamed for the delay in progress of trial. The Court is not available for the last one year.
3. We have seen the material in the case diary. It appears that the petitioners assaulted the victim and then threw him on the railway tracks. This resulted in amputation of one of the legs of the victim.
4. In view of *prima facie* incriminating material against the petitioners, we are not inclined to allow their prayer for bail.

5. The application being CRM (DB) 2479 of 2024 is accordingly dismissed.
6. However, the petitioners have been in custody for quite a long period of time. There is a situation of stalemate in the learned Court below inasmuch as the Presiding Officer in the concerned Court is not available. We direct the learned Sessions Judge, district-Nadia to transfer the case to some other Court so that the same can be proceeded with, in accordance with law. The case should be so transferred within a fortnight from communication of this order by the parties to the learned Sessions Judge, Nadia.
7. The learned transferee Court should conclude the trial at the earliest and positively within a year from the date of the case being transferred to it.
8. Learned Registrar General of this Court is requested to forthwith communicate this order to the learned Sessions Judge, district-Nadia.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)