

46.
18-11-2024
(ct. no.29)
S. De
(Rejected)

CRM (DB) 2727 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure as amended under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

And

**In the matter of : Mahibulla Sardar @ Mintu.
.....Petitioner.**

Mr. Sumanta Chakraborty,
.....for the Petitioner.

Mr. Debasish Roy, Ld. P.P.
Ms. Nandini Chatterjee,for the State.

Dictated by Apurba Sinha Ray, J.

1. Learned advocate for the petitioner submits that the petitioner is in custody for more than 2 years after his second arrest. Warrant of Arrest was issued due to certain miscommunication. However, there is no chance of early conclusion of trial since only 4 witnesses out of 17 chargesheet named witnesses have been examined. He may be granted bail on any condition.
2. Opposing the prayer for bail, the learned Public Prosecutor drew our attention to the materials on record showing that the petitioner along with others who were granted bail absconded for six years and as a result of which the trial could not be completed within a reasonable time. He prays for rejection of the prayer for bail.
3. We have gone through the materials on record and we find that the petitioner absconded for more than six years and as a result of which the trial could not be proceeded with expeditiously. If we enlarge the petitioner on bail, there is a

chance of further abscondence on his behalf. We also see that the petitioner's prayer for bail was rejected on merits at least on six occasions. In view of the materials on record and the prima facie involvement of the petitioner in the alleged murder, we are not inclined to allow the bail prayer of the petitioner at this stage.

4. CRM (DB) 2727 of 2024 is dismissed.
5. However, the learned trial Court is requested to complete the trial as expeditiously as possible
6. Let this order be communicated by the parties to the learned Court below.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)