

57.
25-11-2024
(ct. no.29)
S. De
(Rejected)

CRM (DB) 2820 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 : Soheli Mallick @ Sanjay Das @ Sailo @ Sailya
..... Petitioner.**

Mr. Abdur Rakib,for the Petitioner.

Mr. Madhusudan Sur, Ld. APP
Ms. Rajnandini Das,for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he is in custody for 2 years and 4 months. The case has not even been committed. There are 16 chargesheet named witnesses. There is no way that the trial will conclude on an early date. He renews his prayer for bail which was rejected twice earlier, lastly on March 28, 2023.
2. Learned APP, while opposing the prayer, draws our attention to the statements of witnesses recorded under Section 161 Cr.P.C. He further says that the incident is of 2012. This petitioner was absconding for almost 10 years before he could be apprehended. If granted bail, there is every chance of the petitioner again absconding. Learned advocate also tells us that the petitioner has several criminal antecedents. Seventeen cases including cases under Section 302 I.P.C. are pending against him.
3. We have considered the material on record. The statements of witnesses clearly implicate this petitioner. He was

absconding for almost 10 years. The possibility of his absconsion cannot be ruled out if he is released on bail. He also has criminal antecedents. He does not seem to be standing on the same footing as other co-accused persons.

4. In view of the aforesaid, in spite of the petitioner being in custody for over 2 years, we are not inclined to allow his application for bail, at this stage.
5. Accordingly, CRM (DB) 2820 of 2024 is dismissed.
6. However, considering that the petitioner has been in incarceration for a long period of time, we request the learned Trial Court to do everything possible to expedite the trial and conclude the same on an early date.
7. Let this order be communicated by the parties to the learned Trial Court below.

(Subhendu Samanta, J.)

(Arijit Banerjee, J.)