

30.
17-12-2024
(ct. no.29)
debajyoti
(rejected)

CRM (DB) 2881 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Salanpur Police Station Case No.51 of 2019 dated 17-04-2019 under Section 365 of the Indian Penal Code in which charge sheet was filed under Sections 365/364A/120B of the Indian Penal Code and supplementary charge sheet was filed under Sections 365/364A/34/120B of the Indian Penal Code.

- A n d -

In the matter of : Rahul Kumar @ Keshab

.... Petitioner.

Mr. Arkaprabho Roy

... For the Petitioner.

Mr. Debasish Roy, learned Public Prosecutor,
Mr. Ranadeb Sengupta,
Ms. Debadrita Mandal

... 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 five years and there is no chance of an early conclusion of the trial. Moreover, the delay caused in the proceedings cannot be attributed to the petitioner. In view of his long incarceration in the custody, he may be granted bail on any stringent condition.

2. Learned Public Prosecutor has opposed the prayer for bail on the ground that the petitioner belongs to a gang who committed abduction for ransom after taking the victim to their place at Bihar. In this case also, the petitioner along with others abducted the victim and claimed ransom. The records show that the delay is attributable to the present petitioner along with other accused persons. One discharge

petition under Section 227 of the Criminal Procedure Code was filed by one of the accused persons, which was disposed of almost after two years. They took several pretexts to protract the trial of the case. If the present petitioner is granted bail, the prosecution may suffer.

3. We have considered the material on record. It *prima facie* appears that the petitioner belongs to a group which indulges in abduction and claiming ransom. There are sufficient materials against the petitioner. It is true that the present petitioner did not file any application for discharge. One of the accused filed such petition under Section 227 of the Code of Criminal Procedure and ultimately, the same caused the delay.

4. In view of the materials on record and also considering that if convicted, the petitioner will have to undergo a minimum of mandatory life imprisonment, we are not inclined to allow the prayer of the petitioner for bail, at this stage. However, as the petitioner is in custody for a long period of time, we direct the learned trial Court to conclude the trial within a very short span of time as a special case without granting any unnecessary adjournments to either of the parties.

5. The application for bail is, thus, **dismissed**.

6. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

7. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)