

02.05.2024
SL No.43
Court No.1
(gc)
(rejected)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

CRM (DB) 138 of 2024

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Mathabhanga Police Station Case No.64/2011 dated 28.02.2011, under Sections 395/397 of the Indian Penal Code adding Section 396 of the Indian Penal Code read with 216A and 412 of the Indian Penal Code, 1860.

And

In the matter of : **Md. Hasanur Rahaman**

- Petitioner.

Mr. Hillol Saha Podder

....For the Petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP.,

Mr. Aniruddha Biswas

....For the State.

1. The petitioner has the history of misusing bail conditions and as such, we are not assured of his presence if he is now released on bail. Moreover, the status report filed by the prosecution indicates that the time has been framed by the learned NDPS Court for recording the evidence of the witnesses between 3rd June, 2024 and 6th June, 2024.
2. In view of the fact that substantial progress has been made in the trial and the evidence is likely to be concluded by 6th June, 2024, we are not inclined to allow the application for bail.
3. The prayer for bail is, thus, rejected.
4. However, the learned Trial Court is directed to conclude the trial by invoking Section 309 of the Cr.P.C. preferably

within one year from the next date fixed. It is further directed that the learned Trial Court shall ensure the production of all the alamats and appearance of the prosecution witnesses on each date of substantive hearing, failing which, the learned Trial Court shall be at liberty to enforce its order in accordance with law.

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

(Soumen Sen, J.)

(Partha Sarathi Sen, J.)