

24.05.2024
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rejected

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C.R.M.(DB) No. 245 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Siliguri Police Station Case No. 1173 of 2022 dated 26.12.2022 under Sections 302/201 of the Indian Penal Code.

And

In Re : Md. Ansarul Ali petitioner

Mr. Somraj Paul
Ms. Srishti Sarkar

....for the petitioner

Mr. Kallol Acharjee
Mr. Aniruddha Biswas

..... for the State

1. Report including the written explanation of the Public Prosecutor-in-charge, Siliguri, is placed on record.

2. Learned Counsel for the petitioner submits he is in custody for more than 500 days. It is also submitted inspite of repeated directions given in CRM (DB) 243 of 2023 and CRM (DB) 42 of 2024 charge has not been framed.

3. Report submitted on behalf of the State shows charge could not be framed on 21.03.2024 as the case diary was lying before this Court in connection with earlier bail application. Thereafter on 09.05.2024 defence did not appear and charge could not be framed. When an accused prays for

bail he must come with clean hands. Report shows that delay was contributed by the defence also.

4. Under such circumstances and in view of gravity of the offence, which if proved would attract mandatory life imprisonment, we are not inclined to grant bail to the petitioner at this stage.

5. Application for bail is, thus, rejected.

6. Trial court is directed to frame the charge at the earliest. Upon framing of charge trial court shall ensure that trial is concluded within eighteen months from the date of framing of charge without granting unnecessary adjournment to either of the parties.

7. Parties shall co-operate with the trial court and communicate this order to the said court for due compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)