

18.03.2025
Item no. 25.
Court No.29.
AB
(Rejected)

CRM (DB) 173 of 2025

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Sutahata Police Station Case No.335 of 2023 Dated 13.09.2023 under Sections 395/120B of the Indian Penal Code read with Sections 25/27 of the Arms Act

And

In the matter of : Rofikul Sahaji

.....Petitioner.

Mr. Sayak Chakraborty,
Mr. Wrickbrata Roy,
Mr. S. Chatterjee,
Mr. Shiba Das,
Mr. Iswar Das for the Petitioner.

Mr. Avishek Sinha
Mr. Subhasish Dutta for the State.

Dictated by Arijit Banerjee, J.

1. Status report filed by the State, be kept with the records.
2. The petitioner renews his prayer for bail which was rejected on merits on February 5, 2024, in CRM (DB) 348 of 2024.
3. He again approached a Coordinate Bench by filing CRM (DB) 1391 of 2024. By an order dated May 3, 2024, the petitioner's prayer was again rejected.
4. Now, the petitioner says that he is in custody for 550 days. The case has not even been committed. He renews his prayer for bail.

5. From the status report, we find that on at least eight dates fixed by the learned Trial Court, the accused persons who are on bail, filed time petitions and were absent. Hence, the process of committing the case has been delayed. March 24, 2025, has been fixed as the next date by the learned Trial Court.
6. We, therefore, see that the prosecution is not responsible for the delay in progress of the trial. The charge is of dacoity. Prima facie, there is sufficient incriminating material against the petitioner. If convicted, he may have to suffer life imprisonment. The motorcycle that was used for commission of the dacoity and stolen cash were recovered from this petitioner.
7. In view of the aforesaid, we are not inclined to allow the petitioner's prayer for bail, at this stage.
8. The prayer for bail is rejected.
9. CRM (DB) 173 of 2025 is dismissed.
10. Learned Trial Court is directed to take necessary steps to ensure presence of the accused persons, who are on bail, so that the trial can proceed in accordance with law.
11. Liberty to communicate this order to the learned Trial Court.
12. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)

