

58.
04-03-2025
(ct. no.29)
pg/RUP
(rejected)

CRM (DB) 224 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Domkal Police Station Case No.134 of 2024 dated 28-02-2024 under Sections 341/326/307/302/34 of the Indian Penal Code.

- A n d -

**In the matter of : Rafik Sk @ Rafibul Mandal
@ Rafikul Sekh**

.... Petitioner

Ms. Arushi Rathore
Mr. Anisur Rahaman

... For the Petitioner

Ms. Zareen Khan
Ms. Trisha Rakshit

... For the State

Dictated by Arijit Banerjee, J.

1. The petitioner says that he is in custody for about six months. The incident arose out of a land dispute amongst family members. He had no intention of murdering anyone. Some of the accused persons are still absconding. Therefore, charge has not been framed. There is no possibility of early conclusion of the trial. He prays for bail.

2. Opposing the prayer, learned State counsel draws our attention to the postmortem report and injury report of the victim who survived. We have also seen statements of witnesses recorded under Section 164 of the Code of Criminal Procedure. This petitioner has been specifically implicated as having actively participated in the alleged offence which

caused the death of one person and caused serious injury to another person.

3. In view of the prima facie incriminating material against the petitioner, we are not inclined to allow the petitioner's prayer for bail, at this stage.

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

5. However, the learned Trial Court must take immediate steps against the absconding persons in accordance with law and also, if necessary, split up the trial in accordance with law so that the trial can at least proceed against the persons who are in custody. After all the petitioner and the other accused person who is in custody cannot be kept in incarceration for an indefinite period of time.

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.)

(Prasenjit Biswas, J.)