

08.04.2025

Item No.27

Ct.No.34

rc.

Reject

C.R.M. (DB) 391 of 2025

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Bantra Police Station Case No. 174 of 2020 dated 03.10.2020 under Sections 302/34/120B of the Indian Penal Code.

And

In Re : **Sk. Raja @ Sakal**

... Petitioners

Mr. Sekhar Kumar Basu
Mr. Kusal Kumar Mukher
Ms. Pranidhi Singh

... for the Petitioner

Mr. Joydeep Roy
Mr. Sujoy Sarkar

... For the State.

Heard learned counsels for the parties.

At the outset, learned counsel for the petitioner submits that the petitioner was shown as arrested by an order dated January 03, 2024. Learned counsel places reliance on an order of an Hon'ble Division Bench of this Court reported in (2018) 4 C Cr. LR(Cal) 188 wherein the Court has held that the learned Judge should have directed the production of the accused before allowing the prayer for "shown arrest" submitted by the prosecution. Since the accused was not produced before the Court in the said case, the Court directed the accused to be enlarged, holding the order directing arrest of the accused as bad in law.

In the present case, it appears that the petitioner was produced before the learned Court on January 03, 2024 and upon consideration of the prayer of the prosecution for showing the petitioner to be arrested in the present matter, the prayer was allowed in presence of the petitioner. Therefore, I do not find any illegality or irregularity in the said order showing the petitioner as arrested in connection with the present case.

On merits, learned counsel submits that the petitioner is in custody for more than 400 days. Co-accused has been enlarged on bail. Only one out of forty-nine witnesses has been examined till date and there is remote chance of conclusion of trial in near future. The petitioner seeks bail.

Learned counsel for the State produces the Case Diary and opposes the prayer.

I have considered the material on record.

It appears that the petitioner is the principal assailant who inflicted the injury on the victim. The fire arm was recovered pursuant to the leading statement of the petitioner. The empty cartridges and the recovered fire arm were sent for forensic examination and the empty cartridges have matched with the seized fire arm. There is, in fact, sufficient incriminating material available against the petitioner.

The petitioner was absconding for a protracted period of time.

Upon consideration of the same, this Court is of the view that this is not fit case where the petitioner can be released on bail at this stage.

Accordingly, the prayer for bail is rejected at this stage.

The application is disposed of.

Case Diary is returned.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)