

07.04.2025

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C.R.M. (DB) 423 of 2025

In the matter of : Rafik Sk @ Jhoro Sk

... Petitioner.

In Re: An application under Section 439 of the Code of Criminal Procedure, 1973/under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 27th January, 2025 in connection with Usthi Police Station Case no. 106 of 2023 dated 03.03.2023 under Sections 302/201/109 of the Indian Penal Code.

Mr. Pronojit Roy

... For the Petitioner.

Mr. Avishek Sinha

Mr. Abhinaba Mukherjee

... For the State

Report submitted by the State is taken on record.

It appears from the report that two witnesses have been examined. State proposes to examine 13 out of 26 charge-sheeted witnesses. Delay in trial was initially caused since the petitioner was not represented before the learned trial Court and a learned counsel was appointed from the District Legal Services Authority to represent the petitioner.

Allegation against the petitioner is that he murdered his minor son.

Learned counsel for the State refers to the statement of the sister in law of the petitioner under Section 164 of the Code of Criminal Procedure as well as other material in the case diary which *prima facie* suggests involvement of the petitioner in the alleged offence.

Considering the material available on record, the prayer for bail is rejected at this stage.

Since the petitioner is in custody for more than two years, learned trial Court is directed to take the proceeding to its logical

conclusion as expeditiously as possible without granting any unnecessary adjournment to either of the parties, in accordance with law.

The application for bail is disposed of.

Case diary be 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.)