

28.02.2025

Serial no.136

Dd

CRM (DB) 887 of 2024

In re : An Application for cancellation of Bail under Section 439(2) of the Code of Criminal Procedure, 1973.

-And-

In the matter of : Masbur Ali Seikh

... ...Petitioner

Mr. Gulam Karim Chowdhury. Advocate

... ... For the Petitioner

Mr. Duday Sankar Chattopadhyay,

Ms. Rajashree Tah,

Ms. Aishwarya Datta,

Ms. Bidisha Chakraborty,

Ms. Sadia Parveen, Advocates

... ...For the OP No. 1

1. Petitioner seeks cancellation of bail granted by the learned Additional Sessions Court, 3rd Court, Purba Bardhaman in Sessions Case No. 42 of 2020.
2. Learned advocate appearing for the petitioner submits that, it was the defence who delayed the trial. Therefore, learned Additional Sessions Judge erred in granting bail to the private opposite party.
3. Private opposite party is represented.
4. Learned additional Sessions Judge took into account order dated November 19, 2020 passed in CRM 8531 of 2020 passed by the co-ordinate Bench while granting bail by the order impugned herein.
5. The relevant portion of the order dated November 19, 2020 passed by the co-ordinate Bench is as follows :-

"In that view of the matter we direct the court below to expeditiously hold and conclude the trial by 30th April, 2021 failing which the petitioner shall be entitled to be granted bail by the court below."
6. Admittedly, the trial did not conclude on the date when the impugned order was passed.

7. Impugned order was passed on January 25, 2024, that is, after a period of more than 2 and ½ years from April 30, 2021 by which time, the trial was directed to be concluded.
8. There is nothing placed on record to suggest, let alone, establish that, the defence took adjournments since November 19, 2020 and delayed the disposal of the trial till the grant of the bail on January 25, 2024.
9. Post bail misconduct is not alleged.
10. In such circumstances, we find no ground to interfere with the impugned order.
11. CRM (DB) 887 of 2024 is, accordingly, **dismissed**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)