

06.01.2022
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rejected

C.R.M. 8814 of 2021
(Via Video Conferencing)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Amherst Street Police Station Case No. 295 of 2016 dated 28.08.2016 under Sections 392/397/411 of the Indian Penal Code.

And

In Re : Sk. Feroz @ Firoz Sk. @ Lalchand petitioner

Mr. Mohammad Khairul
... for the petitioner

Ms. Faria Hossain
Mr. Aniket Mitra
... for the State

Learned Counsel appearing for the petitioner submits that the petitioner is in custody for more than five years. It is further submitted that there is slow progress in the trial of the case.

Learned Counsel appearing for the State submits that the petitioner adopted dilatory tactics and delayed the trial. It is further submitted that the petitioner had committed a daring daylight robbery and was identified in the course of test identification parade and trial. Six witnesses have already been examined. Trial shall be concluded shortly.

Having considered the materials on record, we find that there are ample evidence to show that the petitioner had participated in the alleged robbery. It also appears from the records that the petitioner filed repeated bail applications and thereby scuttled the progress of trial.

Under such circumstances, we are of the opinion that in view of gravity of the offence and the contribution of the petitioner in protracting trial, we are of the view this is not a fit case to enlarge the petitioner on bail.

The application for bail is, thus, rejected.

Trial court is directed to conduct the trial on a day-to-day basis and conclude the same at an early date preferably within eight months from the next date fixed for recording of evidence before the trial court without granting unnecessary adjournment to either of the parties.

(Bibhas Ranjan De, J.)

(Joymalya Bagchi, J.)

C.R.M. 192 of 2018

In Re.: An application under Section 439 of the Code of Criminal Procedure filed on 05.01.2018 in connection with Karimpur Police Station Case No. 136 of 2012 dated 03.07.2012 under Sections 420/467/468/471/120B of the Indian Penal Code.

And

In Re : Rabish Kumar Upadhyay petitioner

Mr. Asraf Ali

... for the petitioner

Mr. Debojyoti Deb

... for the State

Having considered the materials on record prima facie disclosing involvement of the petitioner in the alleged crime of misappropriation of monies of the innocent depositors and the fact that the petitioner has absconded for a protracted period of time, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is, thus, rejected.

(Rajarshi Bharadwaj, J.)

(Joymalya Bagchi, J.)

