

24.02.2025
Item No.111
Court No. 26
CHC
Rejected

CRM (DB) 3323 of 2024

In re : An Application for **Bail** under Section 439 of the Code of Criminal Procedure, 1973/Section **483** of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **English Bazar** Police Station Case No. **235** of **2015** dated **21.04.2015** under Sections **302/34** of the Indian Penal Code, 1860.

-And-

In the matter of : **Jodu Sk.**

... ...**Petitioner**

Mr. Mazhar Hossain Choudhury, Advocate

Ms. Chandrima Debnath, Advocate

... ... For the Petitioner

Mr. Debasis Roy, Ld. P.P.

Mr. Arijit Ganguly, Advocate

Mr. Koushik Kundu, Advocate

... ...For the State

1. Report as called for by the order dated January 28, 2025 filed in Court be taken on record.
2. Prayer for bail is founded on the principles of Article 21 of the Constitution.
3. Police case is of 2015.
4. Charges were framed on October 5, 2023. Out of 14 prosecution witnesses, only one was examined. Dates of schedule of examination of the prosecution witnesses on January 13, 2025 and January 14, 2025 did not result in any prosecution witnesses being examined as such witnesses did not turn up.
5. Petitioner is in custody in excess of three years one months.

6. Petitioner before us was absconding for 6 years. Prayer for bail of the petitioner was rejected on August 3, 2022 passed in CRM(DB) 2603 of 2022.
7. In view of the absconsion of the petitioner for a period of six years, we are not in a position to arrive at a finding that petitioner will not abscond subsequent to grant of bail.
8. In such circumstances, we are not in a position to grant bail to the petitioner, on invoking the principles of Article 21 of the Constitution of India in his favour.
9. Prayer for bail of the petitioner is **rejected**.
10. CRM(DB) 3323 of 2024 is **dismissed**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)