

CRM (DB) 3265 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Dholahat Police Station** Case No. **137 of 2016** dated **24.03.2016** under Sections **324/326/307/302/120B** of the Indian Penal Code and Sections 25/27 of the Arms Act.

- A n d -

In the matter of : Salam Halder

.... Petitioner.

Md. Sabir Ahmed,
Mr. T. Ahmed,
Mr. Dhiman Banerjee,

... For the Petitioner.

Mr. Ranadeb Sengupta,
Mr. Aslam Parvez,

... for the State.

Mr. Mrityunjoy Chatterjee,
Mr. Akash Sarkar,

..... for the defacto complainant.

Dictated by Apurba Sinha Ray, J:-

1. Learned Advocate for the petitioner submits that the petitioner is in custody for about one year. He has not been named in the FIR initially. Subsequently, the accused who were named in the FIR as well as in the statement of the witnesses recorded under Section 164 of the Code have been granted bail. There is no chance of his further absconsion. As such he may be enlarged on bail.

2. Learned State Advocate as well as learned Advocate for the defacto complainant opposes the bail prayer. According to them, the present petitioner has absconded for seven years ten months and if the petitioner is enlarged on bail, he may again abscond and for which the prosecution may suffer. The petitioner is not similarly circumstanced with the accused persons who are enlarged on bail.

3. We have considered the materials on record. We find that the petitioner has absconded for a considerable period of time and subsequently he has been arrested and since then he has been in custody. However, as the conduct of the petitioner does not raise any confidence, we are not inclined to enlarge the petitioner on bail since there is chance of his further absconsion.

4. We further notice that there has been appreciable progress in the trial. 12 out of 26 charge sheet named witnesses have already been examined.

5. CRM (DB) 3265 of 2024 is, thus, dismissed.

6. However, considering that the petitioner has been in custody for about one year, we request the learned Trial Court to expedite the trial to the fullest extent possible and conclude the same as soon as possible.

7. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)