

CRM (DB) 3357 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 **Bongaon Police Station** Case No. **796 of 2012** dated **12.10.2012** under Sections **302/34** of the Indian Penal Code and Sections 25/27 of the Arms Act.

- A n d -

In the matter of : Dipak Banik

.... Petitioner.

Mr. Arindam Jana,
Mr. Ananta Kr. Das,

... For the Petitioner.

Mr. Iqbal Kabir,
Mr. Arup Sarkar,

... for the State.

Mr. Dipanjan Chatterjee,
Mr. S. Paul,
Ms. Kumari Shipra Roy,

.... For the defacto complainant.

Dictated by Apurba Sinha Ray, J:-

1. Status report filed by the State be kept with the records.
2. Learned Advocate for the petitioner submits that the petitioner has been falsely implicated in this case. Initially he was in custody for 90 days. He got statutory bail at that point of time. Subsequently warrant of arrest was issued as learned Advocate did not intimate the date of appearance. However, recently he surrendered before the learned Trial Court after getting information that warrant of arrest was issued by the Learned Additional District & Sessions Judge, 2nd Court, Bongaon and since then he has been in the judicial custody. Not a single witness has been examined. There is no chance of an early conclusion of the trial. The petitioner is aged about 69 years.

3. Learned Advocates for the State and the defacto complainant oppose the bail prayer. There are sufficient incriminating materials against the present petitioner. The trial could not be proceeded with due to abscondance of the present petitioner. If the petitioner is enlarged on bail, he may again abscond.

4. We have considered the materials on record. There are sufficient incriminating materials against the present petitioner. However, from the status report filed by the State it appears that the next schedule for evidence is fixed on 28.01.2025 to 30.01.2025.

5. As the record shows that the trial of the case could not be proceeded with due to non-appearance of the present petitioner at the time of trial, we are not inclined to enlarge the petitioner on bail, at this stage.

6. CRM (DB) 3357 of 2024 is, thus, dismissed.

7. However, considering that the petitioner is in custody for about two years, we request the learned Trial Court to make all efforts to expedite the trial so that the same can be concluded on an early date.

8. 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.)