

29.01.2025
Item no. 46.
Court No.29.
AB
(Rejected)

CRM (DB) 3460 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Harischandrapur P.S. Case No.385 of 2022 Dated 15.05.2022 under Sections 447/342/363/365/506/323/120B/34 of the Indian Penal Code

And

In the matter of : Abdul BasirPetitioner.

Mr. Ajay Kr. Debnath,
Mr. S. Bhattacharyafor the Petitioner.

Mrs. Anasuya Sinha, Id. APP
Mr. S. Basu Roychoudhury.....for the State.

Ms Minoti Gomes,
Mr. Asfak Ahamed.....for the Defacto complainant.

Dictated by Arijit Banerjee, J.

1. Status Report in the form of Memo of Evidence filed by the State in Court today, be kept with the records.
2. It is true that charge is yet to be framed. However, we see that other accused persons are absconding for a long time and hence, charge could not be framed.
3. We are conscious that the petitioner is in custody for two years and seven months. However, the material in the case diary reveals that the beheaded body of the victim was recovered from a wetland of which the present petitioner is the owner. The wearing apparel of the deceased was recovered on the basis of leading statement made by the petitioner. In other words, there

is sufficient incriminating material against this petitioner indicating his active role in the alleged crime of murder.

4. Therefore, we are not inclined to allow the petitioner's prayer for bail, at this stage.
5. The prayer for bail is rejected.
6. CRM (DB) 3460 of 2024 is dismissed.
7. However, the learned Trial Court is directed to take prompt steps for splitting up the trial in the event other accused persons are still absconding so that the trial against this petitioner and other accused persons, who may be facing the trial, may proceed and may not be held up because of absconsion of other accused persons.
8. We put on record the submission made on behalf of the State that the proclamation procedure has been completed by the prosecution this month. Further, February 21, 2025 is the date fixed for consideration of charge. If charge is framed, we direct the learned Trial Court to expedite the trial to the fullest extent possible and conclude the same on an early date considering the period of detention of the petitioner.
9. 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.)

