

D/L 29
17.11.2025

Bpg.
Dismissed

C.R.M. (M) 2186 of 2025

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 filed in connection with English Bazar Police Station Case No.1356 of 2022 dated 31.08.2022 under Sections 465/468/471/120(B) of the Indian Penal Code, 1860 read with Section 14(A)/14(C) of the Foreigners Act, 1946;

Rabiul Hoque @ Robiul Hoque
Versus
The State of West Bengal

Ms. Safrina Parveen.
...for the petitioner.

Mr. Bitasak Banerjee
Ms. Poulami Bose.
...for the State.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for 3 years 2 months and there are materials to substantiate that the petitioner is an Indian citizen. It has also been contended on behalf of the petitioner that the earlier order of rejection reflects that within a schedule period there was a direction to complete the trial, but only 3 witnesses, out of proposed 17 witnesses till date have been examined and there is no possibility of the trial being concluded in near future.

Learned advocate appearing for the State on other hand submits that the delay in trial are for reasons beyond the control of the State. Firstly, according to the learned advocate, the court was and is lying vacant. Secondly, two other accused persons have been arrested and produced before the court and de novo trial has commenced after framing of charges.

Having considered the change of circumstances, I am of the opinion that the prosecution cannot be said to be at fault because of the trial not having been concluded.

Be that as it may, learned trial court is directed to take steps to complete the prosecution evidence within the next six months. No unnecessary adjournments be granted to any of the parties and the trial of the case would continue in spite of any resolution of the local bar.

With the aforesaid directions, CRM(M) 2186 of 2025 is dismissed.

Report submitted by the Officer-in-Charge, English Bazar Police Station be kept with the record.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)