

12.02.2025  
Item No.33  
Court No. 26  
CHC  
**Rejected**

### **CRM (DB) 3626 of 2024**

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure, 1973 corresponding to Section **483** of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Belur** Police Station Case No. **01 of 2020** dated **01.01.2020** under Sections **302/120B/34** of the Indian Penal Code, 1860.

-And-

In the matter of : **Binay Kumar Show @ Rohit**  
... ..**Petitioner**

Md. Wasim Akram, Advocate  
... .. For the Petitioner

Ms. Subhasree Patel, Advocate  
Mr. Dattatreya Dutta, Advocate  
... ..For the State

Mr. Pawan Kr. Gupta, Advocate  
Mr. Sankha Subhra Chaky, Advocate  
... ..For the de facto complainant

1. Petitioner renews the prayer for bail on the ground of delay at the trial.
2. Learned advocate appearing for the petitioner submits that, petitioner is in custody in excess of five years one month. He submits that all other co-accused are on bail. Charges are yet to be framed. He submits that, the possibility of the trial ending any time soon is negligible.
3. State and the de facto complainant are represented.
4. Learned advocate appearing for the State draws the attention of the Court to the materials in the Case Diary. She submits that, statements recorded under Section 164 of the Criminal Procedure Code implicates the petitioner in the murder. She

submits that, it is at the instance of the defence that, the charges are yet to be framed.

5. Learned advocate appearing for the de facto complainant submits that, defence took adjournments before the Jurisdictional Court on several occasions namely, January 18, 2024, July 16, 2024, May 6, 2023, July 10, 2023 and October 13, 2023. On such days, the defence took measures to ensure that, the charges are not framed by the learned Jurisdictional Court.
6. Materials in the Case Diary implicates the petitioner in an incident of murder. There is a statement recorded by an eyewitness under Section 164 of the Criminal Procedure Code who saw the petitioner to pick up a cement slab and assault the victim therewith causing death to the victim.
7. Materials in the Case Diary suggest that, the cement slab was recovered on the leading statement made by the petitioner before us.
8. Before Jurisdictional Court, the defence obtained adjournments on numerous occasions. Moreover, defence also took steps and measures to ensure that charges are not framed by the Jurisdictional Court.
9. In such circumstances, considering the gravity of the offence, involvement of the petitioner as transpiring from the materials in the Case Diary and the conduct of the defence before Jurisdictional Court, we are unable to enlarge the petitioner on bail.

10. Prayer for bail of the petitioner is **rejected**.

11. CRM(DB) 3626 of 2024 is **dismissed**.

**(Debangsu Basak, J.)**

**(Md. Shabbar Rashidi, J.)**