

12.02.2025
Ct. No. 26
Item No.31
SB/CP

C.R.M. (DB) No. 3608 of 2024

In Re: - An application for bail under Section 439 of Code of Criminal Procedure / Section 483 of the B.N.S.S. 2023 in connection with Jagatballavpur P.S. Case No. 182 of 2022 dated 20.08.2022, under Sections 395/397/324/120B/412/34 of the IPC and 25/27 of the Arms Act.

In the matter of : Ajit Kumar Sau @ Ajit Kumar Sou

..... petitioner

Sk Toslim Ali

....for the petitioner

Ms. Subhasree Patel

Mr. Nahid Ahmed

....for the State

Petitioner prays for bail.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for two years six months. He submits that there is hardly any possibility of the trial concluding any time soon.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary. She submits that out of 27 witnesses which the prosecution seeks to examine, 12 were examined. She submits that the learned trial judge fixed the next schedule for examining the prosecution witnesses commencing from February 18, 2025 onwards.

Referring to the materials in the case diary she submits that the petitioner was identified in a Test Identification Parade in relation to the present police case which involves dacoity.

Materials in the case diary suggests involvement of the petitioner in a case of dacoity. Test Identification Parade conducted suggests the involvement of the petitioner. Materials in the case diary also ascribe an active role so far as the petitioner is concerned in relation to the incident for which the petitioner is standing trial.

Recording of evidence of prosecution witnesses are ongoing. Enlarging the petitioner at this stage on bail may be inimical to the case of the prosecution. Possibility of the witnesses being influenced by the petitioner once on bail cannot be ruled out.

We also take into consideration that, the trial is in progress and that the next schedule for recording the evidence of the prosecution is already fixed by the learned trial judge.

We request the learned trial judge to adhere to the schedule fixed and not to grant unnecessary adjournments to any of the parties.

In such circumstances, we are not inclined to grant bail to the petitioner. The prayer for bail is thus rejected.

CRM (DB) No. 3608 of 2024 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)