

39. 12.02.2025
Court
No.26 (Pritam)
(Rejected)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 3644 of 2024

In Re: - An application of bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023.

And

In the matter of: - **Habibulla Molla @ Habib.**
.....petitioner.

Mr. Sk. Toslim Ali,
Mr. Mrintunjoy Halder
...for the petitioner.

Ms. Subhasree Patel,
Mr. Prakash Mishra
....for the State.

1. Petitioner prays for bail.
2. Learned advocate appearing for the petitioner submits that, the petitioner is in custody for one year and five months.
3. He submits that, the charges are yet to be framed.
4. Learned advocate appearing for the State draws the attention of the court to the materials in the case diary. She submits that, the police case relates to murder. The firearm was recovered from the possession of the petitioner. She draws the attention of the court to the order of the jurisdictional court and submits that, on July 4, 2024 and on September 20, 2024, the defence took adjournments and consequently delayed the framing of the charges.

5. Materials in the case diary implicate the petitioner at least so far as the possession of illegal firearms is concerned. The police case, in any event, relates to murder.
6. Defence took time on several occasions before the jurisdictional court and delayed the framing of the charges.
7. Considering such conduct of the defence, which also includes the petitioner before the jurisdictional court, the gravity of the offence and the involvement of the petitioner therein and the period of custody of the petitioner, we are not inclined to grant bail to the petitioner.
8. We request the jurisdictional court not to grant any unnecessary adjournments to any of the parties.
9. The prayer for bail is, thus, **rejected**.
10. CRM (DB) 3644 of 2024 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)