

CRM (DB) 4152 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Nakashipara Police Station** Case No. **783 of 2022** dated **07.08.2022** under Sections **376/325/326/34** of the Indian Penal Code.

- A n d -

In the matter of : Haider Molla

.... Petitioner.

Mr. Sourav Mukherjee,

... For the Petitioner.

Mr. Imran Ali,

Mr. Subham Bhakat,

... for the State.

Dictated by Apurba Sinha Ray, J:-

1. Status report filed by the State be kept with the records.
2. Learned Advocate for the petitioner says that the petitioner has been falsely implicated. He is in custody for about two years three months. The charge has not been framed. Only charge sheet has been submitted. There is no chance of an early conclusion of the trial. He may be enlarged on bail on any condition.
3. Learned State Advocate opposes the bail prayer. He says that that the petitioner has been convicted on a previous occasion on similar types of cases and he has undergone seven years of imprisonment. Moreover, the charge could not be framed since the other accused who was granted bail is absconding. However, necessary steps are being taken to split up the records so that the instant case can be proceeded against the present petitioner.
4. We have considered the materials on record. We find merits in the submission of the learned State Advocate. The past

conduct of the present petitioner does not raise any confidence in our mind. The prosecution is not responsible for the delay. There are sufficient incriminating materials against the present petitioner.

5. In view of the aforesaid, we are not inclined to enlarge the petitioner on bail, at this stage.

6. CRM (DB) 4152 of 2024 is, thus, dismissed.

7. 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.)