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29-01-2025
(ct. no.29)
S. De
(Rejected)

CRM (DB) 4434 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

- A n d -

In the matter of : Sekh Aktar Hossain @ Hazi Sk. Aktar Ali @ Aktar Hazi. Petitioner.

Mr. L. Vishal Kumar,
Ms. Soumosree Chatterjee,
Mr. Prasun Mukherjee, ... For the Petitioner.

Mr. Jalaluddin Ahmed,
Ms. Anita Kaunda,
Mr. Anubrata Dutta, ... For the de facto complainant.

Mr. Amita Gour,
Ms. Pallavi Priyadarshee, ...for the State.

Order dictated by Arijit Banerjee, J.

1. The petitioner says that he is in custody for about 1 year and 3 months. Even charge has not been framed. There are 29 chargesheet named witnesses. There is no possibility of an early conclusion of the trial. He prays for bail.
2. Opposing the prayer, learned State counsel and learned counsel for the de facto complainant draw our attention to the material in the case diary. We find that a country-made pipe gun was recovered at the instance and on the basis of the leading statement of this petitioner. Live ammunitions seized from the place of occurrence were fired from that pipe gun as is corroborated by the forensic report.
3. We also see statements of witnesses recorded under Section 164 Cr.P.C. (Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023) who named this petitioner as one of the persons involved in the alleged crime of murder.

4. In view of the prima facie incriminating material against the petitioner, we are not inclined to allow his prayer for bail, at this stage.
5. CRM (DB) 4434 of 2024 is dismissed.
6. However, considering that the petitioner is in custody for quite some time, we direct the learned Trial Court to expedite the trial to the fullest extent and conclude the same on an early date, without granting unnecessary adjournments to either of the parties and, if necessary, by fixing frequent schedules for examination of witnesses. In case, any of the accused persons is absconding, prompt steps must be taken by the learned Trial Court for splitting up the trial in accordance with law and then proceed against this petitioner and others who are facing trial.
7. Let this order be communicated by the parties to the learned Trial Court.
8. 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.)