

19.02.2025
Item no. 31.
Court No.29.
AB
(Rejected)

CRM (DB) 64 of 2025

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Bowbazar P.S. Case No. 245 of 2021 Dated 14.09.21 under Sections 395/397 of the Indian Penal Code read with Sections 25(2) of the Arms Act

And

In the matter of : Shafique Ahmed @ Salman Jalil

.....Petitioner.

Mr. Debasis Kar
Mr. Subhajit Choudhury.....for the Petitioner.

Ms. Faria Hossain
Ms. Mousumi Sarkarfor the State.

Dictated by Apurba Sinha Ray, J.

1. Learned Advocate for the petitioner has submitted that the petitioner is in custody for about three years and two months. There is no chance of an early conclusion of the trial. Nothing has been recovered from him. He was not present at the time of the alleged commission of dacoity. He has been implicated only on the basis of statement made by co-accused person.
2. Learned Advocate for the State opposes the prayer for bail. According to her, the present petitioner has been identified in the TI Parade. Further, certain incriminating articles have been seized from the possession of the petitioner. He has criminal antecedent. Further, the delay, if any, is caused due to the defence. Learned Counsel for the State has submitted a report along with list of dates.

3. We have considered the materials on record and CD. We find that the present petitioner along with four other accused persons have been implicated in this case. The present petitioner was identified in the TI Parade. Certain stolen articles were recovered from the possession of the petitioner and others. Further, the report shows that the defence is primarily responsible for the delay in progress of the trial.
4. In view of the aforesaid, we are not inclined to allow the prayer of the petitioner, at this stage.
5. The prayer for bail is rejected.
6. CRM (DB) 64 of 2025 is dismissed.
7. However, considering the period of detention of the petitioner, we direct the learned Trial Court to expedite the trial to the fullest extent possible and conclude the same on an early date, without granting unnecessary adjournment to either of the parties and if necessary, by fixing frequent schedules for examination of witnesses.
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.)

