

Sessions Case No.100 of 2013  
CIS Reg. No. 759 of 2014  
S.T. No.01 (12) 2013  
Filing No.1719 of 2014  
CNR No.- WBCS01-963-2013

Order No.151  
Dated 13.08.2024

Today is fixed for hearing the bail petition filed on behalf of the accused Mukesh Thakur dated 29.07.2024.

Ld. P.P. is present by filing hazira.

Ld. Defence Lawyer is also present.

Heard both the sides on the bail petition.

Perused the materials on record as well as in the CD.

Considered.

It is stated that the accused who was shown arrested on 18.06.2014 and is in custody for more than 10 years, lost his wife who expired on 06.03.2017 leaving behind two minor sons aged about five and half years and four years. It is further stated that the parents of the accused who are presently looking after their minor grand children, are presently old and ailing. It is pointed out that the Hon'ble High Court, Calcutta was pleased to reject the bail petition of the accused in the year 2021 and requested this Court to expedite the trial preferably within a period of six months. However, inspite of such direction there was virtually no progress in the trial and it is uncertain when the trial will be completed. Since the material witnesses had already examined in this case, the Ld. Advocate prays for bail of the accused on any condition.

Ld. P.P. has raised strong objection against the bail prayer and stated that considering the heinous nature of the offence and the incriminating materials/evidence found against the accused, the bail prayer was rejected by the Hon'ble High Court. It was submitted that the subsequent delay in the trial was solely for the laches of the defence who failed to cross examine PW 14 inspite of several opportunities and made repeated prayers for adjournment. The Ld. P.P. submits that after PW 14 is cross examined, the prosecution will adduce evidence through only four formal witnesses including the two I.O.s of this case. It is further pointed out that the accused is not a resident of this State and the chance of abscondence cannot be ruled out if he is granted bail at this stage.

This is a case u/s 302/34 of IPC read with Section 25/27 of the Arms Act and on perusal of the record and the CD, I find sufficient incriminating materials against the accused. In fact, by order dated 04.02.2021 passed in CRM 10848 of 2020, the Hon'ble High Court took into account the advanced stage of the case and opined that it would not be fit and proper to enlarge the accused on bail. After such rejection, the accused renewed his prayer for bail before the Hon'ble High which was again rejected on 16.09.2021. The delay caused in the trial after such rejection of the bail prayer by the Hon'ble High Court was mainly attributable to the defence since they did not complete the cross examination of PW 14 inspite of several opportunities and took adjournment on most occasions. Considering the available evidence and the earlier observation of the Hon'ble High Court in CRM No.10848 of 2020 and CRM 4017 of 2021, I am not inclined to allow the bail prayer at this stage.

Accordingly, the bail petition stands rejected.

To date (**16.08.2024**) for production and appearance of the accused persons and cross examination of PW 14.

C.D. be returned.

Dictated & corrected by me.

Judge, Bench – II,  
City Sessions Court,  
Calcutta.  
J.O. Code No. WB00868

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