

28.09.2020
SL No.1
Court No.16
(gc)
(Disposed of)

CRM 3622 of 2020
With
CRAN 2 of 2020 (Old No. CRAN 3495 of 2020)
With
CRAN 3 of 2020 (Old No. CRAN 3496 of 2020)

(Through Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Manicktala** P.S. Case No.**165/2019** dated **05.06.2019** under Sections **342/364/302/34** of the Indian Penal Code.

And

In the matter of: **Tapas Saha.**

....Petitioner.

Mr. Manjit Singh,
Mr. Md. Zohaib Rauf

...for the Petitioner.

Mr. Madhusudan Sur, Ld. A.P.P.,
Mr. S.S. Imam,
Mr. Subrato Roy

...for the State.

The petitioner undertakes to affirm and stamp the petition/application as per Rules within one month of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

The learned Counsel appearing on behalf of the petitioner has clearly submitted that the petitioner is entitled to pray for bail in view of the failure on the part of the Trial Court to conclude the proceeding within a period of six months as directed by a Coordinate Bench on 13th January, 2020. It is further submitted that out of four witnesses, we have recorded their statements under Section 164 of Cr.P.C only one of such witnesses alleged to have referred to the petitioner and that

statement also would not show that the petitioner has, in fact, personally assaulted the victim.

We have perused the order dated 9th December, 2019 and 13th January, 2020. The application for bail of Tapas Saha was rejected on 9th December, 2019. The application of another co-accused, namely, Soumen Sarkar and Dibyendu Mallick Chowdhury was rejected on 13th January, 2020. The learned Coordinate Bench had directed the Trial Court to take necessary steps to conduct day to day trial and conclude the same at an early date, preferably within six months from the next date fixed before the said Court without granting unnecessary adjournment to either of the parties. Due to outbreak of Pandemic, the Court proceeding is disrupted. However, now the Courts have started functioning, we request the Trial Court to expedite the trial and conclude the trial preferably within a period of six months from date without any unnecessary adjournment to either of the parties.

The learned Counsel for the prosecution has submitted that they would not seek any adjournment before the Trial Court. In the event, the trial could not be concluded for the reasons attributable to the prosecution within the aforesaid period, the petitioner shall be entitled to apply for bail.

The orders dated 9th December, 2019 and 13th January, 2020 are kept with the record.

The application for bail being CRM 3622 of 2020 along with CRAN 2 of 2020 (Old No. CRAN 3495 of 2020) and CRAN 3 of 2020 (Old No. CRAN 3496 of 2020) are disposed of.

All parties are to act on a website copy of this order on the usual undertaking.

(Jay Sengupta, J.)

(Soumen Sen, J.)