

14.09.2020

Court No. 16
Item No. 21
abhar/bdatta

**CRM 6466 of 2020
With
CRAN 1 of 2020**

(Via Video Conference)

In Re: An application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with Tollygaunge Police Station Case No. 434 of 2013 dated 20.11.2013 under Section 302/394 of the Indian Penal Code.

**and
In the matter of: Avijit Mukherjee @ Abhijit Mukherjee
... Petitioner**

Mr. Suman Shankar Chattopadhyay.

.....for the Petitioner

Mr. Saibal Bapuli,
Ms. Sayanti Santra.

..... For the State

The learned advocate for the petitioners undertakes to affirm and stamp the petition/application as per Rules within 48 hours of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

The application being CRAN 1 of 2020 is accordingly disposed of.

It is submitted by the learned advocate for the petitioner that the petitioner is languishing in jail for seven years in connection with the aforementioned case and there is no possibility of bringing the sessions trial to its logical end because of the pandemic. It is further submitted that 14 witnesses have already been examined and because of unlikely speedy disposal of the sessions trial, the petitioner should be enlarged on bail.

The learned advocate appearing for the State opposes the prayer for bail. It is submitted that an old man aged about 82 years was brought to his house and was murdered and there is ample materials unearthed during the investigation and in fact, witnesses have been examined but because of the present impasse created by pandemic, the sessions trial could not be progressed further.

After considering the respective submissions of the parties and the fact that the case has substantially progressed but there has been

a stoppage for the pandemic which does not enure to the benefit of the petitioner that the petitioner should be enlarged on bail. Accordingly, the prayer for bail is rejected.

However, we request the learned trial Judge to make utmost efforts to bring the sessions trial to its logical conclusion at the earliest.

The application for bail being C.R.M. 6466 of 2020 is dismissed.

(Tirthankar Ghosh, J.)

(Harish Tandon, J.)