

29.09.2020

Ct. No. 08

Item no. 03
(REJECTED)

akd

CRM 6791 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 filed on 08.09.2020 in connection with Karaya Police Station F.I.R. Case no. 190 of 2016 dated 25.03.2016 under Sections 448/341/354/506 of the Indian Penal Code thereafter adding Section 376 of the Indian Penal Code (S.T. No. 12 (06) of 2016).

And

In the matter of : **Md. Sahajada @ Sameer**
...Petitioner

Mr. Devi Priya Mitra.

...For the Petitioner.

Mr. Swapan Banerjee,
Ms. Purnima Ghosh.

...For the State.

Petitioner 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 01 of 2020** is accordingly **disposed of.**

It is submitted by the learned Advocate for the petitioner that though the alleged case was initiated under Sections 448/341/354/506 of the Indian Penal Code, subsequently Section 376 of the Indian Penal Code was added and the petitioner is languishing in jail for more than four and half years. It is further submitted that this Court on earlier occasion directed the completion of the trial within six months, but no progress has been shown therein.

The learned Counsel for the State opposes the prayer for bail. It is submitted that all witnesses except the Investigating Officer have been examined, but because of the pandemic having stuck the case could not be taken up.

Considering the respective submissions and the fact that the earlier application filed by the petitioner for bail was rejected as the Court reposed confidence on the Trial Court to bring the Sessions case to its logical end within the stipulated time and fact that the Courts are functioning in a staggered manner, we do not feel that this is a fit case where the petitioner should be enlarged on bail.

The prayer for bail is thus rejected. However, recently the Courts have started functioning on hybrid mode both virtually and physically and we, therefore, request the learned Judge or the Judge-in-Charge in the Trial Court to fix up the date for recording evidence and expect that the case shall be brought to its logical end within three months from the date of the communication of this order.

With such findings, the application, being CRM 6791 of 2020, is dismissed.

(Hiranmay Bhattacharyya, J)

(Harish Tandon, J)