

13.10.2020.

Item No. 3

(Rejected)

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C.R.M. 7190 of 2020

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I.A. No. C.R.A.N. 1 of 2020

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Mograhat P.S. Case No. 107 of 2015 dated 26.02.2015 under Sections 302/34 of the Indian Penal Code read with Sections 25/27 of the Arms Act.

And

In the matter of : **Anowar Hossain Fakir alias Boto.**

... petitioner.

Mr. Ayan Basu,
Mr. Aniruddha Sarkar,
Mr. Sumit Routh.

...For the petitioner.

Mr. Tanmoy Kumar Ghosh,
Mr. Arindam Sen.

...For the State.

The petitioner undertakes to affirm and stamp the petition as per the Rules within one month of resumption of the normal functioning of the Court. The petition is taken up through video conference on the basis of such undertaking.

Accordingly, the application being IA No. CRAN 1 of 2020 is disposed of.

Learned Counsel for the petitioner has renewed the prayer for bail. It is submitted that although the earlier application for bail of the petitioner is rejected by a Co-ordinate Bench, but having regard to the fact that the length of custody and no immediate possibility of trial to be concluded, the petitioner may be released on bail.

Learned Counsel for the State opposes the prayer for bail. It is submitted that the trial is at the fag end and almost all witnesses have been examined and at this stage petitioner is released from the custody, it might affect the progress of trial.

We have considered the order passed by the learned Additional District Judge, Diamond Harbour dated 25th June, 2020.

Having regard to the fact recorded therein and there has been no change of circumstances, we are not inclined to grant bail to the petitioner.

Accordingly, the application for bail being CRM 7190 of 2020 is **rejected**.

However, having regard to the fact that the trial has substantially progressed and only three witnesses are required to be examined, we direct the learned Additional District Judge, Diamond Harbour to conclude the trial preferably within a period of six months from the resumption of normal functioning of the Court without granting unnecessary adjournments to either of the parties.

(Soumen Sen, J.)

(Saugata Bhattacharyya, J.)