

09.10.2020
DL No.17
Court No.23
am

CRM 7204 of 2020

(Through Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Kumarganj** P.S. Case No.**05/2020** dated **06.01.2020** under Sections **376D/302/201** of the Indian Penal Code and under sections **3(1)(w)(ii)/3(2)(v)(va)(vi) of the Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act.**

And

In the matter of: **Goutam Barman @ Chanu & Anr.**

....Petitioners.

Mr. Jayanta Narayan Chatterjee,
Ms. Bushra Khatoon

...for the Petitioners.

Mr. Rana Mukherjee,
Ms. Sujata Das

...for the State.

The learned Counsel appearing on behalf of the petitioners submits that the petitioners are in custody for over 270 days and there is no possibility of trial being commenced in the near future. It is submitted that the charges have not yet been framed and necessary papers have not yet been supplied to the petitioners.

Mr. Binod Chhetri, Deputy Superintendent of Police, Dakshin Dinajpur is present in Court today with the case diary.

We have perused the case diary. Considering the *prima facie* involvement of the petitioners in the commission of the alleged offence we are not inclined to grant bail to the petitioners at this stage. However, petitioners can make legitimate claim for speedy and expeditious trial.

Trial court is directed to take necessary steps to consider the issue of framing of charge at the earliest and preferably before the puja vacation and in the event such charge is framed to conclude the trial as expeditiously as possible preferably within one year from the date of framing of charge without granting unnecessary adjournment to either of the parties.

The department as well as the parties are directed to communicate this order to the Learned District Judge, Dakshin Dinajpur and the learned trial judge at the earliest for information and compliance.

The application for bail being CRM 7204 of 2020 is rejected.

Plain Photostat plain copy of this order, duly countersigned by the Assistant Registrar (Court), be given to the learned advocates for the parties on their usual undertaking.

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)