

Court No. 16

CRM 7370 of 2020

CRAN 1 of 2020

(via Video
Conference)

25.11.2020

(SL 3)

(S. Banerjee)

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 10 of 2014 dated 04.01.2014 under Sections 376(D)/302/201 of the Indian Penal Code.

And

Rejected

In the matter of: Iyadul Sk. @ Sekh Iyadul

... petitioner

Mr. Santanu Deb Roy, Ld. Advocate

... for the petitioner

Mr. Saibal Bapuli, Ld. APP

Mr. Soumik Ganguli, Ld. Advocate

... for the State

The petitioner undertakes to affirm and stamp the petition as per the rules within 48 hours of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

This is one of several matters where the ground of delay as urged on behalf of the petitioner is of no avail since the rampaging pandemic has impeded all major processes.

The petitioner's prayer was rejected earlier, albeit more than a year back. The trial was due to commence on May 16, 2020. However, by the end of March, 2020 the strict lockdown was in place and trials and final hearings have been completely thrown out of gear since then. Baby steps are now being taken to resume criminal trials and final hearings. It is hoped that normal functioning of courts may resume within the next few weeks.

Since the delay in this case cannot be attributed to anything within the control of the investigating agency or of the trial court, the prayer for bail is rejected.

CRM 7370 of 2020 along with CRAN 1 of 2020 are disposed of.

(Sanjib Banerjee, J.)

(Aniruddha Roy, J.)