

20.10.2020
DL No.29
Court No.12
Avijit Mitra

**CRM 8142 of 2020
CRAN 1 of 2020**

(Through Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Bhagwanpur** P.S. Case No.**47/2018** dated **24.02.2018** under Sections **147/148/149/325/326/302/120(B)** of the Indian Penal Code.

And

In the matter of: **Bisha Barai @ Biswanath Barai**

....Petitioner.

Mr. Jayanta Narayan Chatterjee,
Sk. Sahjahan Ali

...for the Petitioner.

Mr. Rana Mukherjee,
Mr. Santanu Chatterjee

...for the State.

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

Accordingly, the application being CRAN 1 of 2020 is disposed of.

We have considered the order passed by the co-ordinate bench on 6th August, 2020 in relation to an application filed by the petitioner for bail. The co-ordinate bench in rejecting the said application has made the following observation :

“The petitioner is the principal accused in a case under Section 302 of the Indian Penal Code.

There are twenty accused. Nineteen have been released on bail.

Chargesheet has been submitted.

However, Mr. Mukherjee, appearing for the prosecution, submits that the petitioner was absconding for two years and arrested during this lockdown period. Therefore, the

case of the petitioner falls in one of the exceptions when bail cannot be granted. He is an accused who is likely to flee from the justice.”

Since there has been no change in circumstances from the date of the last rejection order, we do not consider the matter at this stage fit for bail.

However, we request the trial court to expedite and conclude the trial as expeditiously as possible and in the event such charge is framed to conclude the trial as expeditiously as possible not beyond 15th December, 2020 and thereafter shall take to its logical conclusion as expeditiously as possible.

The application for bail being CRM 8142 of 2020 is rejected.

All parties are to act on a website copy of this order on the usual undertaking.

(Aniruddha Roy, J.)

(Soumen Sen, J.)