

21.10.2020
SL No.107
AP

CRM 8484 of 2020
(Through Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Madhyamgram** P.S. Case No.**313 of 2015** dated **04.06.2015** under Sections **448/376D/506** of the Indian Penal Code.

And

In the matter of: **Md. Safik**

....Petitioner.

Mr. Avik Ghatak,
Mr. Amit Ranjan Pati,
Mr. Sagnik Mukherjee

...for the Petitioner.

Ms. Sukanya Bhattacharya,
Mr. Md. Kutubuddin

...for the State

It is submitted on behalf of the petitioner that he is in custody for more than five years and there is delay in trial of the case. Hence, he renews his prayer for bail.

Learned lawyer for the State opposes the prayer for bail and submits that the prayer of bail of the petitioner was rejected in February 2020 and delay in trial is attributable to the prevailing pandemic conditions. There are ample materials connecting the petitioner to the alleged offence of gang rape.

We have considered the materials on record which discloses prima facie involvement of the petitioner in the grave offence. Delay in progress of the matter is due to prevailing pandemic conditions and cannot be attributable to the prosecution. Under such circumstances, we are not inclined to grant bail to the petitioner.

The application for bail is, thus, rejected.

In view of the protracted period of detention already suffered by the petitioner, trial court is requested to resume the trial through physical mode or via virtual mode as may be appropriate.

The parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Abhijit Gangopadhyay, J.)

(Joymalya Bagchi, J.)