

05-11-2020
k.b./b.r.
Item no.08
Crt. 08
rejected

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M. No. 8818 of 2020
Sk. Md. Anisur Rahaman
-vs-
The State of West Bengal
(Via video conference)

In Re: An application for bail under Section 439 CrPC in connection with Panskura P.S. Case No. 495 of 2019 dated 08.10.2019 (GR No. 2155 of 2019) under Sections 302/120B of the Indian Penal Code and read with Sections 25/27 of the Arms Act.

Mr. Sandipan Ganguli
Mr. Santanu Maji

...for the petitioner.

Mr. S.G. Mukherjee, Ld. PP
Mr. Madhusudan Sur
Mr. Aniket Mitra

... for the State.

Mr. Debasish Roy
Mr. Sourav Chatterjee
Mr. Soumya Nag
Mr. Aditya Tiwari
Ms. Susmita Chatterjee
Mr. Kaustav Bhattacharya

.....for the de facto complainant

The advocate-on-record for the petitioner undertakes to affirm and properly stamp the petition as per the rules within one month of resumption of normal functioning of the court. The petition is taken up through video-conference on the basis of such undertaking.

Learned advocate for the petitioner submits that the petitioner is in custody for about 365 days and in the charge-sheet the prosecution has relied upon for 107 witnesses and till date the evidence of only two of the witnesses have been completed. It is further submitted that in view of the petitioner being innocent and hardly any materials available against him further detention of the petitioner is unwarranted for the

purpose of progress of the case which presently is progressing very slowly.

Mr. Mukherjee, learned Public Prosecutor appears on behalf of the State and draws the attention of this Court to the previous orders passed by co-ordinate Benches by order dated 11th February, 2020 in CRM 1266 of 2020, wherein it has been categorically observed *“The statements of the witnesses also speak of a discussion amongst the petitioner and the other co-accuseds with regard to the murder. Soon after the incident, the petitioner had left the place of occurrence and gone into holding”* and further on 15th September, 2020 a co-ordinate Bench in CRM 6533 of 2020, which was filed by another accused Mr. Mobarak Karim Khan @ Mobarak Khan, was pleased to observe *“there are witnesses statement which refer to the planning of the murder of the victim by Anisur Rahaman, the principal accused, along with the present petitioner”*.

Mr. Mukherjee, learned Public Prosecutor further submits that the accused persons in the co-ordinated manner are trying to delay the proceedings by challenging each and every order of the learned trial court. He further submits that charge sheet was framed on 13.03.2020 and because of the present pandemic and the various orders being passed by the trial court successively challenged by different accused persons, the trial court is unable to proceed with the trial in a smooth manner.

The learned Public Prosecutor adds that the trial has commenced from the month of September, 2020 and all efforts are being taken for progress of the trial. The prosecution has never contributed to the

delay of the case and as such, at this stage if the accused person is granted bail the whole progress of the trial would be jeopardised.

Mr. Roy, learned advocate appearing for the complainant produces the order dated 06.10.2020 wherein in CRR 1395 of 2020 a direction has been passed by the learned single Judge of this Court for disposing of the trial expeditiously and with the further direction for examination of the witnesses in Sessions cases by either physical or virtual mode.

We have taken into account the present stage of the case, the observation made by the co-ordinate Bench and the steps taken by the prosecution for progress of the case. We are of the opinion that the petitioner is not entitled to be released at this stage.

Accordingly, the prayer for bail of the petitioner is rejected.

With the aforesaid observation, CRM 8818 of 2020 is disposed of.

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this Court.

[Tirthankar Ghosh, J.]

[Ashis Kumar Chakraborty, J.]