

27.11.2020

CRM 9361 of 2020

Court No. 16
Item No. 10
nandy

(BAIL – REJECTED)

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure filed on 17.11.2020 in connection with Goghat Police Station Case No. 452 of 2018 dated 12.03.2018 under Sections 302/201/379/411 of the Indian Penal Code. (G.R. Case No. 2025 of 2017)

and

In the matter of: **Tapas Saha**

..... Petitioner

Mr. Debangana Bhattacharjee, Advocate

Ms. Sarnali Saha, Advocate

.....for the Petitioner

Mr. Madhusudan Sur, Advocate

Mr. Dipankar Pramanik, Advocate

.....for the State

The petitioner undertakes to affirm and stamp the petition as per the Rules within one week of resumption of the normal functioning of the court. The petition is taken up for hearing on the basis of such undertaking.

This is the fourth round of litigation before this Court by way of an application for bail. Earlier three bail applications were rejected as this Court did not find any material justifying the release of the petitioner on bail. However, it was observed in the third application for bail i.e. CRM 5711 of 2019 that trial Court should conclude the trial as expeditiously as possible preferably within one year from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

It is submitted that only one witness has been examined and because of pandemic the Court could not make further progress. Naturally, more than a year has elapsed from the date of an order dated 09.07.2019 passed in CRM 5711 of 2019.

Since we do not find any changed circumstances except that the trial has not shown any progress because of the

pandemic, we do not think that this is a fit case where the petitioner should be released on bail.

However, we reiterate that the Sessions Judge would make utmost effort and shall see that the trial of the case is completed within six months from the date of communication of this order.

The learned Advocates appearing for the respective parties have assured the Court that they will cooperate with the trial Court and shall not seek any unnecessary adjournment in order to adhere to the time limit indicated hereinabove.

In view of the above, the prayer for bail is **rejected**.

CRM 9361 of 2020 is dismissed.

(Harish Tandon, J.)

(Hiranmay Bhattacharyya, J.)