

04.12.2020

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**CRM 9518 of 2020**  
**(Via Video Conference)**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Tangra P.S. Case No.109 of 2018 dated 16.05.2018 under Sections 302/307/120B of the Indian Penal Code.

And

In the matter of: **Sanjay Naha @ Nata.**

....Petitioner.

Mr. Pradipta Ganguly

...for the Petitioner.

Mr. Neguive Ahmed

Ms. Amrita Gaur

...for the State.

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

The petitioner renews the prayer after two years, primarily on the ground that others standing on the same footing as the petitioner have been granted bail.

The State says that several persons including Bappa and this petitioner had led an attack on some persons, including Mrinal Mukherjee. Mrinal Mukherjee was seriously injured and disclosed before the doctors at the time of his admission that Bappa and this petitioner were the principal assailants. In course of the incident one person died.

The petitioner says that only three of the 67 witnesses have been examined thus far and it is more than likely that the trial will not be resumed in six months or so.

For the most part of the current year, all criminal trials have been stalled because of the lockdown, with little work done in courts in the State. Life is limping back to normal and it is hoped that by the middle of January, the courts would begin functioning in right earnest. The petitioner cannot be permitted to take advantage of the situation.

The petitioner's prayer for bail was rejected in December, 2018 and, in the usual course, the trial should have been completed by now. However, since there has been no conduct of the trial for the last eight months, it is hoped that the trial in this matter will resume by the beginning of February, 2021 and be carried forward with utmost expedition. On the basis of the material against the petitioner, the prayer for bail is refused at this stage.

CRM 9518 of 2020 is disposed of.

(Sanjib Banerjee, J.)

(Aniruddha Roy, J.)