

12.01.2021
Court No.28
rpan / 04

C.R.M. 36 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with English Bazar Women P.S. Case No. 219 of 2017 dated 03.11.17 under Sections 328/363/368/376D of the Indian Penal Code.

And

In Re : **Samiul Sekh @ Samiul Sk.**

...Petitioner.

Mr. Sourav Chatterjee,

Mr. Avinaba Patra

....for the petitioner.

Mr. Sudip Ghosh,

Mr. Bitosok Banerjee

....for the State.

Mr. Chatterjee, learned advocate appearing for the petitioner submits that the petitioner is in custody for about 441 days and the case is yet to be committed to the court of sessions. Learned advocate further submits that in view of the fact that there is no scope of the trial being completed in the near future, further detention of the petitioner is unwarranted.

Mr. Ghosh, learned advocate appearing for the State opposes the application for bail and draws the attention of this Court to the statement of the victim under Section 164 of the Code of Criminal Procedure and the medical documents.

We have perused the materials available in the case diary and the fact that there has been no change in the circumstances since the prayer for bail of the petitioner was last considered and rejected by this Court. We do not think that this is a fit case

for releasing the petitioner on bail at this stage. However, as the petitioner is in custody for more than 14 months, we are of the opinion that the learned committing court should exhaust the process of law, if any, of the accused not present before the Court and thereafter, takes steps to commit the case to the court of sessions within a period of 60 days from date.

With the aforesaid observations, CRM no.36 of 2021 is disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)