

15.03.2021
Item No.12
Ct.No.28
Subha
rejected

C.R.M. 688 of 2021
(Via Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure.

-And-

In the matter of : **Ramji Mondal** ... Petitioner.

Mr. Abhijit Kumar Adhya
... For the Petitioner.

Mr. S. G. Mukherji, PP
Ms. Zareen N. Khan
Ms. Mayukhi Mitra
... For the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Uluberia Women Police Station Case No. 33 of 2016 dated 13th June, 2016 under Section 376D of the Indian Penal Code with added Section 67 of the Information Technology Act, 2000(G. R. Case No. 1268 of 2016).

The learned advocate appearing for the petitioner submits that the petitioner is in custody for more than 4 years 6 months and on different pretext, the trial of the case

has been hauled up for which the petitioner is not at all responsible.

Learned advocate for the petitioner further submits that the case has been delayed at the instance of either the absence of the presiding officer or the prosecution and the evidence which has surfaced before the learned trial court makes the possibility of any outcome against the present petitioner a remote one.

Additionally, the learned advocate appearing for the petitioner submits that for a considerable period of time, there is no presiding officer in the trial court and as such there is no possibility in the near future for the trial to be concluded.

Mr. Mukherji, learned Public Prosecutor appearing for the State submits that only four witnesses are left to be examined including the Investigating Officer of the case and the same cannot be done because of absence of any presiding officer.

We have perused the materials on record and having regard to the stage of the case wherein four witnesses are left to be examined, we are not inclined to release the petitioner on bail at this stage and as such, the prayer for bail of the petitioner is rejected.

As has been informed that the Judge-in-Charge of the learned trial court presently is the learned Additional District and Sessions Judge, 1st court, Uluberia, Howrah, we

direct that the learned Additional District and Sessions Judge, 1st court, Uluberia, Howrah would record the evidence of the witnesses which are four in number (including the Investigating Officer of the case).

It has been informed that the next date is fixed on 19th March, 2021. Accordingly, the learned Judge-in-Charge of the said court would record the witnesses so produced by the prosecution on the said date and take all efforts so that the prosecution evidence is completed by 15th May, 2021. The learned trial court, thereafter, would examine the accused persons under Section 313 of the Code of Criminal Procedure provide opportunity for examination of the defence witnesses and deliver the final pronouncement in respect of the case by 31st July, 2021.

With the aforesaid observations, the application for bail being CRM 688 of 2021 is, accordingly, disposed of.

Department is directed to communicate this order to the learned trial court through the office of the learned Registrar(Judicial), High Court, Calcutta.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)