

08.03.2021

Item No.25

Ct.No.28

Subha

rejected

C.R.M. 703 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 : **Nijam Purkait .** ... Petitioner.

Mr. Pradip Ray

Mr. Ujjal Ray

... For the Petitioner.

Mr. Saibal Bapuli, Id. A.P.P

Mr. Arani Bhattacharyya

... For the State.

The present application under Section 439 of the code of Criminal Procedure has been preferred by the petitioner in connection with Rabindranagar P.S. Case No. 334 of 2016 dated 06-09-2016 under Sections 25(1AA)/35 of the Arms Act, 1908 along with Sections 3 and 4 of the Explosive Substances Act, 1908.

The learned advocate appearing for the petitioner submits that the petitioner was arrested on or about 6th September, 2016 and since then he is in custody.

Additionally, he submits that the co-accused on same footing have been granted bail and out of the five accused, three of the accused have been granted bail. Learned advocate for the petitioner prays for bail of the present petition on any stringent condition.

Mr. Bapuli, learned Additional Public Prosecutor appearing for the State opposes the prayer for bail of the petitioner and submits that out of 19 charge-sheeted witnesses 17 witnesses have been examined and the examination of the two Investigating Officers are left. He further adds that on 9th March, 2021 date is also fixed for further evidence of the case.

Records reflect that the petitioner's prayer for bail was rejected lastly in CRM 3705 of 2020. The submission of learned Public Prosecutor reveals that only two witnesses are left to be examined on behalf of the prosecution and the prosecution intends to complete the same at the earliest.

Having regard to the stage of the case and the fact that the prosecution evidence is at its conclusion, we are not inclined to release the petitioner on bail at this stage and the prayer for bail of the present petitioner is rejected.

However, the learned trial court is directed not to grant any unnecessary adjournments to either of the parties and take all efforts so that the final pronouncement of the case is made within a period of three months from date.

With the aforesaid observations, the application for bail being CRM 703 of 2021 is, accordingly, disposed of.

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.)