

23.03.2021

Item No.82

Ct.No.28

dc.

C.R.M. 1016 of 2021

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Sonarpur P.S. Case No. 1808 of 2017 dated 18.09.2017 under Sections 341/326/307/34 of the Indian Penal Code.

And

In Re : **Sahid Hossain Sarder**

... Petitioner.

Mr. Angshuman Chakraborty,
Mr. S. S. Saha

... For the Petitioner.

Mr. Rana Mukherjee,
Mr. Santanu Chatterjee

... For the State.

This is an application for bail in connection with Sonarpur P.S. Case No. 1808 of 2017 dated 18.09.2017 under Sections 341/326/307/34 of the Indian Penal Code at the behest of the petitioner.

There is an apparent lackadaisical approach on the part of the prosecution in not bringing the witnesses for recording their evidence. Even on an earlier occasion, petitioner's bail was rejected by this Court taking into account that 13 witnesses have been examined out of 22 witnesses and the case is at advanced stage of trial.

We appreciate the agony of the petitioner that despite specific direction having been passed by this Court to complete the trial within a specified time, no attempt has

been made to record evidence of the other witnesses. We appreciate the anguish as shown by the learned advocate for petitioner but having regard to the complicity as would appear from the materials available from the records, we are of the opinion that the petitioner is not entitled to be released on bail at this stage. As such, the petitioner's prayer for bail is **rejected**.

However, we direct the prosecution to bring the witnesses for recording their evidence on the next date fixed by the learned Sessions Judge and shall not ask for any adjournment without any justifiable reason. The learned Sessions Judge is requested to complete the trial within eight months from the date of communication of this order.

The application for bail, being CRM 1016 of 2021, is, thus, disposed of.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)