

23.03.2021

Item No.100

Ct.No.28

dc.

C.R.M. 1062 of 2021

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Santipur P.S. Case No. 358 of 2016 dated 01.08.2016 under Section 376(1) of the Indian Penal Code.

And

In Re : **Sri Kartick Jamadar @ Kartick Jamader @ Dom**

... Petitioner.

Ms. Sananda Bhattacharyya

... For the Petitioner.

Mr. Imran Ali,
Mr. Mirza Firoj Ahmed Begg

... For the State.

This is an application for bail in connection with Santipur P.S. Case No. 358 of 2016 dated 01.08.2016 under Section 376(1) of the Indian Penal Code at the behest of the petitioner.

The petitioner is languishing in jail for nearly four years and eight months in connection with the aforementioned case. It is submitted that none of the witnesses have disclosed the involvement of the petitioner to the commission of offence and the petitioner is still waiting for final verdict to come.

On the other hand, the learned advocate for the State submits that seven witnesses have already been examined out of eleven witnesses. The trial has seen a substantial

progress and should be brought to its logical end. It cannot go on eternally nor the lethargic and dormant attitude of the prosecution is appreciated. However, we feel that the moment the prosecution has brought seven witnesses, there is possibility of bringing the trial to its logical end at the earliest.

After perusing the materials and the fact that the four witnesses are yet to be examined, we do not think that it is a fit case where the petitioner should be released on bail. As such, the petitioner's prayer for bail is **rejected**.

However, we request the learned trial court to take utmost effort to complete the trial preferably within four months from the date of communication of this order.

The application for bail, being CRM 1062 of 2021, is, thus, disposed of.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)