

CRM No.1233 of 2020
Via video conference

01.09.21
(S.R.)
Sl.03
Ct.30

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Harwood Point Coastal Police Station Case No.40 of 2018 dated 19.02.2018 under Sections 341/326/307/506 and subsequently added Sections 302/34 of the Indian Penal Code;

And

In re: Narayan Rang

... petitioner.

Mr. Somouyjit Das Mahapatra
Mr. Anindya Sundar Das
Mr. Rajesh Naskar

... for the petitioner.

Mr. Neguive Ahmed
Md. Anwar Hossain
Ms. Amita Gaur

... for the State.

Mr. Das Mahapatra, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. No overt act has been attributed to the petitioner. Upon completion of investigation, charge sheet has been submitted, however, there has been no substantial progress in trial. The petitioner's wife is suffering from various ailments and there is no possibility towards early conclusion of the trial. Deprivation of personal liberty without ensuring speedy trial would not be in consonance with the right guaranteed by Article 21 of the Constitution of India and in view thereof, the petitioner, who has already long incarceration for more than three years, may be enlarged on bail on any stringent condition.

Mr. Ahmed, learned advocate appearing for the State opposes the petitioner's prayer and submits that the petitioner has criminal antecedents. The statements of the witnesses, as recorded under Section 164 of the Code, would clearly reveal the direct involvement of the petitioner in the heinous offence. Three witnesses have been

examined and the delay towards conclusion of trial is not attributable to the State. Furthermore the period of delay stands intervened by a period lost due to the pandemics.

We have heard the learned advocates appearing for the respective parties and considered the materials in the case diary. Having regard to the gravity of the offence, the statements of the witnesses, as recorded under Section 164 of the Code and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in favour of the petitioner and his prayer for bail is rejected at this stage.

Accordingly, the application for bail being CRM No.1233 of 2020 is dismissed.

However, the learned court below shall make a sincere endeavour towards early conclusion of the trial without granting any unnecessary adjournment to either of the parties.

(Rabindranath Samanta, J.)

(Tapabrata Chakraborty, J.)