

16.04.2021

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C.R.M. 1461 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Pathor Pratima Police Station Case No. 123 of 2019 dated 27.05.2019 under Section 302 of the Indian Penal Code

And

In the matter of: **Abhijit Das** ...Petitioner.

Mr. Dhillon Sengupta ... For the Petitioner

Mr. Partha Sarathi Mondal
... For the Defacto-complainant

Mr. Swapan Banerjee
Mr. Suman De ... For the State

The learned advocate for the petitioner submits that the petitioner is in custody since 28th May, 2019. Till date nothing has progressed in this case. He also submits that the court is lying vacant and as such, there is no possibility of conclusion of the trial.

Mr. Swapan Banerjee, learned advocate appearing for the State, opposes the prayer for bail and draws the attention of this Court to the materials appearing against the present petitioner. He also submits a report, wherefrom it reflects that the State Forensic Science Laboratory as well as the office of the Director, Forensic Science Laboratory, Government of West Bengal, submitted their reports and further serological test are being conducted by the serologist attached to Government of India.

The report so submitted by Mr. Banerjee be kept with the record.

The Investigating Officer of the case is present in court and his personal appearance is dispensed with.

We have perused the materials in the case diary as well as the complicity of the petitioner in the alleged offence.

Having considered the nature and gravity of the case and materials in the case diary, we are not inclined to grant bail to the petitioner at this stage.

Accordingly, the prayer for bail is rejected.

CRM 1461 of 2021 is thus dismissed.

However, the learned District Judge, South 24 Parganas, is directed to consider that if the presiding officer in the court, in which this case has been allotted, is not available, the learned District and Sessions Judge would consider the case to be proceeded in a court where the presiding officer is available.

A copy of this order be communicated to the District and Sessions Judge, South 24 Parganas, through the 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.)

(Soumen Sen, J.)