

09.04.2021
Item no.150
Court No.28
Avijit Mitra

C.R.M. 1583 of 2021 (through video conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Tehatta Police Station Case No.688 of 2014 dated 18.09.2014 under Sections 498A/302/34 of the Indian Penal Code and Sections 498A/302/304(B)/34 of the Indian Penal Code;
And

In Re : Basudhara Ghosh

.... Petitioner

Mr. Asraf Mondal

...for the petitioner

Mr. P.K. Dutta,

Mr. Santanu Deb Roy

...for the State

Learned counsel appearing for the petitioner submits that the petitioner has candidly submitted that earlier applications for bail were rejected and last of which happened on 10th June, 2020. The long incarceration without any further progress in the trial is a ground for allowing the application for bail.

Learned advocate appearing for the State opposes the prayer for bail and it is submitted that *prima facie* involvement of the petitioner in the alleged dowry death of the victim house-wife has been taken note of by the earlier Coordinate Benches and such prayer was consistently rejected. It is submitted that the trial has advanced and in the event the prayer is allowed it may hamper the smooth progress of the trial.

We feel that the proceeding should come to an end as expeditiously as possible. The petitioner is in custody for almost six years six months.

Under such circumstances we dispose of the application by directing the Trial Court to conclude the trial within one year from date without granting any unnecessary adjournments to either of the parties.

In the event trial could not be concluded within the aforesaid time for the reasons not attributable to the petitioner, the petitioner shall be entitled to renew the prayer for bail.

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.)