

02.06.2021

Court No.28
rpan / 26

CRM 1845 of 2021

(Via video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : **Tapas Biswas**

Petitioner.

Ms. Minoti Gomes,
... for the Petitioner.

Mr. Swapan Banerjee,
Ms. Purnima Ghosh
... for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Santipur Police Station Case No.433 of 2020 dated 01.10.2020 under Section 302 of the Indian Penal Code.

Ms. Gomes, learned advocate appearing for the petitioner, submits that the petitioner has been falsely implicated. Upon completion of investigation, charge sheet has also been filed and as such, further detention of the petitioner, who is in custody since 01.10.2020, is not warranted in the facts and circumstances of the case.

Mr. Banerjee, learned advocate appearing for the State opposes the petitioner's prayer and submits that the petitioner is the sole accused. He further submits that the petitioner is directly involved in the offence and in support of such contention he has drawn our attention to the statements of the witnesses as recorded under Section 164 of the Code. He further submits that the case has been committed on 6th January, 2021 and thereafter,

the pandemic had set in and the delay, if any, stands intervened by a period lost due to pandemic.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the gravity of the offence and the extent of complicity of the petitioner, we are not inclined to exercise any discretion in favour of the petitioner. As such, his prayer for bail is refused at this stage.

However, this Court directs the learned court below to take steps towards conclusion of the trial as expeditiously as possible without granting unnecessary adjournment to the parties.

The application for bail, being CRM 1845 of 2021, is dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Shampa Sarkar, J.)

(Tapabrata Chakraborty, J.)