

11. 05.08.2021
Ct.32
Tanmoy
Dismissed

C.R.M. 1856 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **15/02/2021** in connection with **Nakashipara Police Station Case No. 605/2019** dated **02/11/2019** under Sections **498A/326/307/34/302** of the Indian Penal Code.

And

In the matter of: - **Mihid Sk**

....petitioner.

Mr. Siddhartha Sarkar,

...for the petitioner.

Mr. Saibal Bapuli, A.P.P.,
Mr. B. Bhattacharyya

...for the State.

This is the fourth application of the petitioner praying for bail. Charge is under Sections 498A/326/307/34 of the Indian Penal Code. Charge under Section 302 of the Indian Penal Code was added subsequently.

Before proceeding further we record that the petitioner has paid the cost of Rs.50,000/- that he was directed to pay by an order dated November 27, 2020 passed in C.R.M. 9410 of 2020. Let the receipt issued by the State Legal Services Authority, West Bengal, be kept with the record.

The petitioner says that he has been in custody for one year five months. There is no real likelihood of early conclusion of the trial.

We have seen the material in the Case Diary which includes the dying declaration of the victim as also the statement of the treating Doctor recorded under Section 161 of the Code of Criminal Procedure and the statement of the victim's

sister recorded under Section 164 of the Code. The petitioner's prayer has been rejected three times. The charge has been framed. We are not inclined to enlarge the petitioner on bail at this stage, considering the serious nature of the charge and the incriminating material on record.

Accordingly, the application for bail being C.R.M. 1856 of 2021 is **dismissed**.

However, we request the learned trial Court to expedite the trial and bring the same to its logical conclusion as soon as the business of the Court may permit.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)