

14.09.2021
Item no. 37
Court No.32.
S.De.
(Dismissed)

(Via Video Conference)

CRM No. 2007 of 2021

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure filed on 22.02.2021 in connection with Sankaril Police Station Case No. 228 of 2013 dated 16.04.2013 under Sections 302/201/34 of the Indian Penal Code.

And

In the matter of : Kalipada Sardar @ Kali.

.....Petitioner.

Mr. Soumya Basu Roy Chowdhury, Advocate,
.....for the Petitioner.

Mr. Ranabir Roychoudhury, Advocate,
Mr. Rudradipta Nandy, Advocate,
.....for the State.

The petitioner is one of the nine accused persons. The charge is of murder. The case is of 2013. The petitioner was absconding for about six years. He was declared a proclaimed offender. The order was executed. He surrendered some time in 2019 and has been in custody since then. He says that he is in custody for about 700 days. Nothing has progressed in the trial. There is no possibility of the trial concluding at an early date. He is innocent.

We have seen the material in the case diary including the statements of witnesses recorded under Section 164 of the Code of Criminal Procedure. The murder was brutal.

An earlier prayer for bail made by the petitioner was rejected by a co-ordinate Bench by an order dated October 21, 2020 passed in CRM 8318 of 2020.

Having considered the material on record and the conduct of the petitioner as well, as also the nature and gravity of the alleged offence and the possibility of the petitioner's complicity therein, we are not inclined to entertain the petitioner's prayer for bail.

Accordingly, CRM 2007 of 2021 is dismissed.

However, since the petitioner has been in custody for quite some time, 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 and, preferably, within a period of eighteen months from date.

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

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)