

16.07.2021

Court No.28
Item No.14

Saswata

CRM 2229 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on 24.02.2021 in connection with Uluberia Police Station Case No. 502 of 2017 dated 13.06.2017 under Sections 417/419/420/395/412/34 of the Indian Penal Code;

And

In the matter of : **Amiya Chakraborty**
...Petitioner

Mr. Partha Sarathi Chakraborty
...For the Petitioner

Mr. N.Ahmed
Mr. Md. Anwar Hossain
Ms. Amita Gaur

... For the State

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure in connection with Uluberia Police Station Case No. 502 of 2017 under Sections 417/419/420/395/412/34 of the Indian Penal Code.

The learned Advocate for the petitioner in his usual eloquence submits that the petitioner who is languishing in custody for nearly four years, has already suffered immensely and such sufferance would be augmented in keeping the petitioner in custody any more. The entire family has been immensely affected by his detention in custody and there is no possibility of the completion of the trial in near future.

Learned Advocate for the State opposes the prayer for bail and submits that trial has already been set in motion and several witnesses have been examined barring seven more and the next date fixed on 29th July 2021.

Both the counsels are *ad idem* to the cause of the delay. Be that as it may, we find that earlier application filed by the petitioner

got rejected on a *prima facie* complaint of the petitioner to the alleged offence and also having being unidentified in Test Identification Parade. There is no substantial change one can visualise since the rejection of an earlier application till the filing of the instant application, except that there has been some kind of deterrent in the further progress of the sessions case because of pandemic having struck globally.

Since the Courts are functioning and gearing up in pace, which can be seen from the date having been fixed for recording evidence, we trust and hope that the learned Sessions Judge would take utmost endeavour to record the evidence of the remaining witnesses. In order to fulfil the trust and hope, we repose upon the learned Judge in the Trial Court that the other wing of the judiciary, that is the bar, should also co-operate and assist him in adhering and/or fulfilling the mandate of this Court.

We are assured by the learned counsels appearing for the parties that they would co-operate and assist the learned Judge in ensuring recording of the remaining witnesses without seeking any adjournments except under unavoidable circumstances. Learned Judge shall see that the trial is brought to its logical conclusion at an earliest.

Since we do not find any material, warranting the release of the petitioner on bail, the prayer for bail of the petitioner is considered and **rejected** with the above observations.

(Harish Tandon, J)

(Subhasis Dasgupta,J.)

