

12.07.2021.
Item No.16
(Rejected)
A.J/S.M

(Via Video Conference)

C.R.M. 2385 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 03.03.2021 in connection with Tehatta Police Station Case No. 339 of 2016 dated 22.06.2016 for committing offence punishable under Sections 395/397 of the Indian Penal Code, which ended up in charge-sheet no. 577 of 2016 dated 01.09.2016 under Sections 395/397/412 of the Indian Penal Code.

And

In the matter of : **Mahasin Sk.**

... petitioner.

Mr. S. S. Saha

...For the petitioner.

Mr. Nuguve Ahmed, Ld. APP
Ms. Z. N. Khan,
Ms. Trina Mitra,

...For the State.

This is an application for bail in connection with Tehatta Police Station Case No. 339 of 2016 dated 22.06.2016 for committing offence punishable under Sections 395/397 of the Indian Penal Code, which ended up in charge-sheet no. 577 of 2016 dated 01.09.2016 under Sections 395/397/412 of the Indian Penal Code.

Learned Counsel for the petitioner submits that the petitioner has been languishing in custody for nearly five years and till date there has been no substantial progress of trial and thereby affecting personal liberty of the petitioner under article 21 of the Constitution of India.

Learned Counsel for the State raises objection against the prayer for bail submitting that there has already been examination of seven witnesses so as to show the tangible progress of the trial, and only 5/6 witnesses are left to be examined. The petitioner remained identified in Test Identification Parade and there is also recovery of the items,

against which robbery has been committed. More so, there is previous rejection of the prayer for bail against the petitioner.

Having considered the submissions of both sides and bearing in mind the progress of the trial, we are not inclined to grant bail to this petitioner ignoring the possibility of his abscondence, merely upon consideration of long incarceration alone.

However, we appreciate the anguish expressed by the learned advocate for the petitioner regarding the delayed progress of the trial. Since 5/6 witnesses are still left to be examined, we are of the view, that the trial needs to be expedited.

The Trial Court is accordingly requested to expedite the trial and take all such possible steps adhering to the mandate available under section 309 Code of Criminal Procedure so that logical conclusion of this Court may be reached within a reasonable period of time. In doing such exercise learned Court is requested not to grant any adjournment, unless it is extremely unavoidable.

In view of the above, the application for bail being C.R.M. 2385 of 2021 is ***disposed of***.

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)