

22.07.2021
Ct. No. 30
12
sdas
dismissed

C.R.M. 3642 of 2020
(via video conference)

In Re.: An application for bail under Section 439 of the Code of Criminal Procedure.

And

In Re : Anupam Bhattacharya petitioner

Mr. Milon Mukherjee
... for the petitioner

Mr. Saswata Gopal Mukherji, learned P.P.
Mr. Madhusudan Sur, learned A.P.P.
Mr. Dipankar Paramanick
.... for the State

Mr. Ayan Bhattacharya,
Mr. Soumen Mahanty,
Mr. A. Basu,
Mr. Raunak Bose
.... for de facto complainant

The present application has been preferred under Section 439 of the Code of Criminal Procedure in connection with Parnasree Police Station Case No. 214 dated 26.08.2017 under Sections 302/34 of the Indian Penal Code.

Mr. Mukherjee, learned senior advocate appearing for the petitioner submits that the petitioner has been falsely implicated. He is languishing in custody for about four years and there is also no possibility towards early conclusion of the trial.

He further submits that the wife of the present petitioner has already been enlarged on bail and the allegations as levelled against the present petitioner are

unfounded and in the said conspectus further detention of the petitioner is not warranted in the facts and circumstances of the case.

Mr. Mukherji, learned Public Prosecutor appearing for the State opposes petitioner's prayer and submits that out of 22 witnesses 12 witnesses have already been examined. Date has been fixed for examination of two further witnesses tomorrow and in consideration of such stage of trial the petitioner is not entitled to the relief, as prayed for. The delay towards conclusion of the trial is not attributable to the State. Furthermore, the period of delay stands intervened by a period lost due to the pandemic.

Mr. Bhattacharya, learned advocate, enters appearance on behalf of the de facto complainant.

Upon hearing the learned advocates appearing on behalf of the respective parties and considering the materials on record, the gravity of the offence and the stage of trial, we are not inclined to exercise any discretion in favour of the petitioner. As such his prayer for bail is refused at this stage.

The present application, being CRM 3642 of 2020 is, accordingly, dismissed.

However, the learned trial court is directed to take expeditious steps towards conclusion of trial, preferably within a period of six months from date, without granting any unnecessary adjournment to either of the parties.

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

(Suvra Ghosh, J.)

(Tapabrata Chakraborty, J.)

