

27.07.2021
Item no. 15
Court No.32.
S.De.(a)
(rejected)

(Via Video Conference)

CRM 3567 of 2021

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure filed on 22.04.2021 in connection with Tehatta Police Station Case No. 532 of 2019 Dated 15.11.2019 under Sections 326/307/302/307 of the Indian Penal Code.

And

In the matter of : Mahitosh Ghosh @ Mohitosh Ghosh.

.....Petitioner.

Mr. Sourav Chatterjee, Advocate,
Mr. Asraf Mandal, Advocate,

.....for the Petitioner.

Mr. Swapan Banerjee, Advocate,
Mr. Suman De, Advocate,

.....for the State.

The charge is one of murder. The petitioner says that he has been in custody for more than 540 days. He further says that he has been framed and he was not involved in the alleged incident. He says that four dates were fixed for framing of charges, the last of which was July 8, 2021, but charges have not yet been framed. The next date is December 8, 2021. There is no certainty that charges will be framed even on that date and it is anybody's guess as to when the trial will commence or will be concluded.

The State produces the case diary and draws our attention to statements of vital witnesses recorded under Section 161 of the Code of Criminal Procedure. Our attention is also drawn to an order dated January 25, 2021 passed in CRM 3874 of 2020 whereby the petitioner's prayer for bail was rejected.

We have considered the facts and circumstances of the case and the material in the case diary. Further, in view of the order of the Co-ordinate Bench passed on January 25, 2021 and in view of the fact that there has been no material change in circumstances thereafter, we are not inclined to allow the prayer for bail.

However, we request the learned trial judge to prepose the date for fixing of charges, subject to the business of the Court permitting and to consider the charges and if occasion arises to frame the charges as early as possible. We also request the learned trial judge to commence trial, if such occasion arises, as soon as possible and expedite the same to the extent the business of the Court may permit.

C.R.M. 3567 of 2021 is, accordingly, dismissed.

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

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)

