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17-05-2021
Court 28

**C.R.M. 3722 of 2021
(Via Video Conference)**

In Re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Baguiati Police Station Case No. 507 of 2019 dated 11.12.2019 under sections 302/201/34 of the Indian Penal Code.

Tridip Mitra
Versus
State of West Bengal

Mr. Souvik Das, Adv.

...for the petitioner.

Mr. Saibal Bapuli, Adv.

Mr. Arijit Ganguly, Adv.

Mr. Arani Bhattacharya, Adv.

...for the State.

This is an application for bail in connection with Baguiati Police Station Case No. 507 of 2019 dated 11th December, 2019 under Sections 302/201/34 of the Indian Penal Code.

The learned Counsel for the petitioner submits that the petitioner is in custody for long and there has been no progress in the trial. As a result whereof, his valuable right of freedom of movement is jeopardized. It is submitted that in view of the present situation, there is no possibility of the trial being concluded within a reasonable time. The petitioner, in all his fairness, has also disclosed the earlier order of rejection of bail.

The learned Counsel for the State has, however, opposed the prayer for bail and submits that there are several cases pending against the petitioner and in the event the petitioner is released on bail, the trial may suffer.

Considering the materials disclosed in the memo of evidence and the observation made by the coordinate Bench earlier rejecting the prayer for bail and in view of the fact that the charge-sheet has already been filed and the charges have been framed and the witness action is going to be commenced on

and from 1st June, 2021, we are not inclined to grant bail to the petitioner at this stage.

We request the learned trial court to prepare a schedule for examination of the witnesses and to conclude the trial within a reasonable period of time, preferably within one year from 1st June, 2021. In the event there is a further delay in proceeding with the matter not attributable to the petitioner, it would be open to the petitioner to apply for bail after the aforesaid period is over.

The prayer for bail is thus rejected.

(Suvra Ghosh, J.)

(Soumen Sen, J.)