

68. 17.08.2021
Ct.32
Tanmoy
Rejected

C.R.M. 4098 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **15/06/2021** in connection with **Kotwali Police Station Case No. 201/2019** dated **06/04/2019** under Sections **326/307/34** of the Indian Penal Code. Charge under Sections **120B/302/34** of the Indian Penal Code.

And

In the matter of: - **Kheru Mondal & Anr.**

....petitioners.

Mr. Ankit Agarwala,
Mr. Subir Debnath

...for the petitioners.

Mr. Bidyut Kr. Roy,
Ms. Rita Datta,
Mrs. Pushpita Saha

...for the State.

The petitioners undertake to affirm and stamp the petition as per Rules within a week from date of passing of this order. Subject to such undertaking, the application is taken up for hearing.

The petitioners have been charged with offences punishable under Sections 326/307/34/120B/302 of the Indian Penal Code. The allegation is that while the petitioner no.1 poured kerosene on the victim, the petitioner no.2 set the victim on fire.

The petitioners say that they have been in custody for 855 days. Although, trial has started, nobody knows when the same shall conclude.

We have seen the material in the Case Diary including statements of eyewitnesses recorded under Section 164 of the Code of Criminal Procedure. At least one of such statements clearly implicates the present petitioners.

The trial is in progress. We appreciate that the petitioners have been in custody for a long period of time. However, given the nature and seriousness of the offences that the petitioners have been charged with and that trial is progressing and also keeping in view the fact that thrice before, the prayer of the petitioners have been rejected by co-ordinate Benches of this Court, we are not inclined to entertain the petitioners' prayer for bail at this stage.

Accordingly, the application for bail being C.R.M. 4098 of 2021 is **dismissed**.

However, we request the learned trial Court to expedite the trial to the extent possible and bring the same to its logical conclusion as soon as the business of the Court may permit without granting unnecessary adjournments to either of the parties.

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

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)