

31.08.2021
Item no. 75
Court No.32.
S.De.
(rejected)

(Via Video Conference)

CRM 4598 of 2021

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure filed on 07.07.2021 in connection with Ballygunge GRPS Case No. 23 of 2017 dated 13.05.2017 under Section 302 of the Indian Penal Code.

And

In the matter of : Samad Sardar @ Saddar.

.....Petitioner.

Mr. Siddhartha Sarkar, Advocate,

.....for the Petitioner.

Mr. Swapan Banerjee, Advocate,

Ms. Purnima Ghosh, Advocate,

.....for the State.

The petitioner is charged with the offence of murder. The petitioner says that he is in custody for about four and a half years. Recording of evidence was almost concluded. Thereafter, some of the witnesses have been recalled and the trial is being unduly prolonged.

We have seen the statements of witnesses including eyewitnesses recorded under Section 164 of the Code of Criminal Procedure. Prima facie, the involvement of the petitioner seems to be clear. In view of the gravity and

nature of the offence and prima facie incriminating material on record, we are not inclined to allow the petitioner's prayer for bail, at this stage.

Accordingly, CRM 4598 of 2021 is dismissed.

However, considering that the petitioner is in custody for a very long period of time, we request the learned Trial Court to expedite the trial to the fullest extent possible and conclude the same as soon as possible and preferably, within a period of one year from date.

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

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)