

08.12.2021
Court No.32
Item No. 142
Krishnendu
Bail Rejected

**C.R.M. 4686 of 2021
(Via video Conference)**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with English Bazar Women Police Station Case No. 219 of 2017 dated 03.11.2017 under sections 328/363/368/376D of the Indian Penal Code.

And

In re: **Samiul Sekh @ Samiul Sk.**

...Petitioner

Mr. Sourav Chatterjee

Mr. Avinaba Patra

Mr. Dipayan Kundu

... For the Petitioner

Mr. Anwar Hossain

Mrs. Ratna Ghosh

...For the State

Mr. Chatterjee, learned advocate appearing for the petitioner submits that the petitioner is in custody for more than 700 days and considering such fact, a Co-ordinate Bench of this Court passed an order on 12th January, 2021 in CRM 36 of 2021 directing, *inter alia*, that the learned committing court should exhaust the process of law, if any, of the accused not present before the Court and thereafter, take steps to commit the case to the court of sessions within a period of 60 days from date.

Mr. Chatterjee further submits that in spite of such direction, appropriate steps have not been taken and long incarceration of the petitioner continues. In the said conspectus, further detention of the petitioner is not warranted, more so when, there is no possibility towards conclusion of the trial in the near future.

Pursuant to the earlier order of this Court Mr. Hossain, learned advocate appearing for the State, files the report, as called for earlier. Placing reliance upon the same, Mr. Hossain submits that two accused persons were absconding. Warrant of arrest and proclamation has been issued on 26th November, 2021 and the date for commitment has been fixed on 10th December, 2021. Let the report be kept on record.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Upon issuance of warrant of arrest and proclamation pertaining to the two accused persons, who are absconding, date for commitment has already been fixed on 10th December, 2021. Considering such stage of the proceedings, we are not inclined to enlarge the petitioner on bail at this stage.

The application for bail, being CRM No. 4686 of 2021, is, accordingly, dismissed.

However, the learned Court below shall take up the question of consideration of charges on the next date and commence trial immediately thereafter, if charges are framed.

The learned Court below shall also expeditiously conduct the trial and, if necessary, upon resorting to the steps available under section 309 of the Code of Criminal Procedure so that logical conclusion of the case may be reached at the earliest, preferably within six months from date.

A copy of this order be communicated to the learned Court below through the learned Registrar (Judicial Service).

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)