

21.12.2021

Court No.32
rpan / **223**

CRM 5342 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Eco Park Police Station Case no.35 of 2020 dated 24.01.2020 under Section 376(f) (i) of the Indian Penal Code, 1860 and Section 6 of the Protection of Children from Sexual Offences Act, 2012;

And

In Re: **Dibyendu Jana**
– Petitioner

Mr. Satarup Purakayastha
... for the Petitioner.

Md. Anwar Hossain,
Ms. Sreyashee Biswas
... for the State.

Mr. Purakayastha, learned advocate appearing for the petitioner submits that the petitioner is languishing in custody for 670 days and there is also no possibility towards early conclusion of the trial. In the said conspectus, he may be enlarged on bail on any stringent condition.

Md. Hossain, learned advocate appearing for the State opposes the petitioner's prayer and submits that out of 11 charge-sheeted witnesses, three had already been examined and next date has been fixed on 13th January, 2022 for production of witness nos.4, 5 and 6. Let the report as produced be kept on record.

Having heard the learned advocates and considering the materials in the case diary, the gravity of the offence, its ramifications and the stage of trial, we are not inclined to exercise any discretion in favour of the petitioner. As such, his prayer for bail is refused at this stage.

Mr. Purakayastha, has expressed anguish and inconvenience of the petitioner as regards the delay in the progress of trial. We take notice of such issue and direct the learned court below to expeditiously conduct the trial without granting any unnecessary adjournments to either of the parties and conclude the same preferably within a period of three months from the date of communication of this order.

With the above observations and directions, the application for bail, being CRM 5342 of 2021 is disposed of.

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.)