

01.12.2021
Court No.32
rpan / **145**

CRM 5369 of 2021

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Jagacha Police Station Case No. 87 of 2018 dated 10.06.2018 under sections 302/120B/34 of the Indian Penal Code.

And

In re: **Subham @ Roni @ Subha Adhikary @ Suvam Adhikary**
...Petitioner

Mr. Kallol Mondal,
Mr. Krishan Roy,
Ms. Amrita Chel,
Mr. Souvik Das,
Ms. Anamika Banerjee
... for the Petitioner.
Mr. Nguive Ahmed,
Ms. Trina Mitra
... for the State.

Mr. Mondal, learned advocate appearing for the petitioner submits that the petitioner had already suffered long incarceration for three years six months. There is no possibility towards conclusion of the trial in the near future. Two co-accused persons have already been enlarged on bail. In such circumstances, the petitioner may be enlarged on bail on any stringent condition.

Mr. Ahmed, learned advocate appearing for the State opposes the petitioner's prayer and submits that the petitioner is the principal accused. The delay which has occurred is not totally attributable to the State. The next date has been fixed on 9th December, 2021 when trial would commence.

We have heard the learned advocates appearing for the respective parties and considered the materials in the case diary. *Prima facie*, there are strong incriminating materials against the petitioner. Since date has already been fixed for commencement of trial, we are not inclined to exercise any discretion in favour of the petitioner. The prayer for **bail** is, accordingly, **refused** at this stage.

The learned Court below is directed to conclude the trial expeditiously without granting any unnecessary adjournments to either of the parties.

The application for bail, being CRM No. 5369 of 2021 is dismissed.

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.)