

33. 28.09.2021

Ct.32

Tanmoy

Rejected

C.R.M. 5442 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **16/08/2021** in connection with Sessions Trial No. 2(8) of 2015 corresponding to Sessions Case No. 275 of 2015 arising out of **Madhyamgram Police Station Case No. 313 of 2015** dated **04/06/2015** under Sections **448/376(D)/506** of the Indian Penal Code.

And

In the matter of: - **Md. Safik @ Sk. Safik**

...petitioner.

Mr. Dulal Sarkar,
Mr. Kajal Mukherjee,
Mr. Surajit Basu,
Mr. Bikash Chakraborty

...for the petitioner.

Mr. Debabrata Chatterjee, Ld. A.P.P.,
Ms. Manasi Roy

...for the State.

The petitioner renews his prayer for bail which was rejected earlier by an order dated February 10, 2020 in C.R.M. 1345 of 2020. The petitioner says that he is in custody for about 6 years and 4 months. He has a minor daughter who is 8 years old. His wife and mother have both expired. He should be immediately released so that he can take care of his daughter.

Learned Advocate for the State says that the trial is about to conclude. Only the Investigating Officer remains to be examined. The petitioner joins issue on this and says that seven witnesses are still to be examined.

Considering the gravity of the charge, which is gang rape, the material on record and also the fact that the trial has

progressed substantially, we are not inclined to entertain the petitioner's prayer for bail.

Accordingly, the application for bail being C.R.M. 5442 of 2021 is **dismissed**.

However, keeping in mind the lengthy detention of the petitioner, we request the learned trial Court to make all efforts to conclude the trial as soon as possible and preferably within a period of six months from date, if necessary, by holding trial on a day-to-day basis, 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.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)