

CRM No.5532 of 2021

Via video conference

21.12.21

(S.R.)

Sl.227

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Ashoknagar** Police Station Case No.150 of 2017 dated 25/02/2017 under Section 302 of the Indian Penal Code (S.T. Case No.01(11)2017);

And

In re: Joydeb Koley

... Petitioner.

Mr. Ayan Basu
Mr. Sumit Routh
Mr. Sourav Bera

... for the petitioner.

Mr. Swapan Banerjee
Mr. Suman De

...for the State.

After prolonged custody of four years and five months, the instant application is filed praying for bail.

The learned lawyer for the petitioner submitted that the trial is in progress but delayed. Only seven witnesses are examined out of thirty-two charge sheeted witnesses. There is no chance of immediate completion of trial. Whole evidence is circumstantial in nature and the present petitioner is falsely implicated. Therefore, in the present circumstances, the petitioner should be released on bail.

The learned lawyer appearing for the State invited our attention to the statements of witnesses and the seizure list which contain strong incriminating materials against the present petitioner. Although, the learned lawyer for the State submitted that two prime charge sheeted witnesses have deposed, still number of other important witnesses are yet to be examined. Since, the offences are very grave and serious, he opposes the grant of bail.

We have perused the case diary and heard the rival submissions. The case diary contains very strong incriminating elements against the present petitioner. Trial is in progress. Some of the charge sheeted

witnesses have been examined and some are yet to be examined. In this conspectus of fact, we are not inclined to exercise our discretion and the bail petition stands rejected.

However, we direct the learned trial court to complete the trial within a period of six months from the date of receiving a copy of this order and request the learned Public Prosecutor to ensure that trial is not procrastinated for absence of witnesses.

The application for bail being CRM No.5532 of 2021 is, accordingly, 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.)