

21.12.2021
Court No.32
Item No. 232
Avijit Mitra

C.R.M. 5840 of 2021

In Re:- An application for bail under section 439 of the Code of Criminal Procedure;

And

In Re : Dilip Bhandari

Petitioner

Mr. Arindam Jana,
Mr. Soumajit Chatterjee,
Mr. Prithis Bandopadhyay

..For the Petitioner

Ms. Zareen N. Khan,
Mr. Ashok Das

...For the State

The present application for bail under Section 439 of the Code of Criminal Procedure has been preferred in connection with Baruipur Police Station Case No.2409 of 2016 dated 07.10.2016 under Sections 376(2)(i) of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act, 2012.

Mr. Jana, learned advocate appearing for the petitioner submits that the petitioner is languishing in custody for more than 5 years and in spite of earlier direction of this Court, the trial has not yet been concluded. In the said conspectus, the petitioner may be enlarged on bail on any stringent condition.

Ms. Khan, learned advocate appearing for the State submits that there had been substantial progress in the trial and the date for examination of the last witness had been fixed on 4th January, 2022. Let the report, as filed, be kept on record.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the gravity of the offence and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in favour of the petitioner and his prayer for bail is refused at this stage.

However, as the date for examination of the last witness had been fixed on 4th January, 2022 this Court directs the learned Court below to conclude the trial as early as possible preferably, within a period of three months from the date of communication of this order.

Accordingly, the application for bail, being CRM No. 5840 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)