

08.12.2021
cm/ct 28
sl no. 60

C.R.M. 5918 of 2021

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Kakdwip P.S Case No. 230 of 2017 dated 12.8.2017 under Sections 498(A)/304B/302/201 of the Indian Penal Code.

And

Rejected

In Re : Chandan Nayek

..... petitioner

Md. Sabir Ahmed
Mr. Sandip Kumar Mondal
Mr. Gouranga Kumar Das
Mr. A. Saha
Mr. S. Sarkar

..... for the petitioner

Mr. N. Ahmed
Ms. Faria Hossain
Ms. Sonali Das

..... for the State

Petitioner renews his prayer for bail. He is in custody for more than four years. It is submitted that there is hardly any progress in the trial of the case.

Learned lawyer for the State opposes the prayer for bail. He submits that trial is in progress and 17 witnesses have already been examined.

We have considered the materials on record. Victim was subjected to torture and had taken refuge in her parental home. On the fateful day, petitioner had taken the victim away from the parental home and subsequently her dead body was recovered. Post-mortem report discloses she suffered homicidal death due to strangulation. In view of the aforesaid incriminating materials and as trial has significantly progressed. We are not inclined to grant bail to the petitioner.

However, as the petitioner has suffered protracted period of incarceration, we request the trial court to conclude the trial at an early date preferably within six months from the next date fixed for recording evidence without granting unnecessary adjournment.

The application being CRM 5918 of 2021 is disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)