

22.09.2021
16
Ct. No 29
sdas
rejected

C.R.M. 6147 of 2021
(via video conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Santipur Police Station Case No. 358 of 2016 dated 01.08.2016 under Section 376(1) of the Indian Penal Code.

And

In Re : Sri Kartick Jamadar @ Kartick Jamader @ Dom petitioner

Ms. Sananda Bhattacharyya
... for the petitioner

Mr. Sudip Ghosh
Mr. A. K. Datta
Mr. B. Banerjee
... for the State

Petitioner renews prayer for bail for the third time.

Two previous applications were rejected on March 3, 2017 and March 23, 2021.

Learned advocate for the petitioner draws the attention of the Court to the order dated March 23, 2021 and submits that the Court expressed the desire that the trial should be completed expeditiously and preferably within a period of four months from the date of communication of such order. She also submits that all the prosecution witnesses were examined and cross-examined. Trial is yet to be concluded. She further submits that since the petitioner is in custody in excess of five hundred days bail should be granted to him.

Learned advocate appearing for the State submits that ongoing pandemic situation is one of the reasons why the trial

could not be completed within a period of four months from date. He draws the attention of the Court to the order dated March 23, 2021 and submits that the High Court requested the trial court to take utmost steps to complete the trial expeditiously preferably within a period of four months from date. Such order should not be construed to mean that it laid down any outer time limit for the purpose of conclusion of trial.

Considering the facts and circumstances of the case and considering the order dated March 23, 2021 and considering the fact that the ongoing pandemic situation hindered the normal functioning of the Court and considering the fact that the order dated March 23, 2021 did not lay down an outer time limit for the purpose of conclusion of the trial and considering the fact that there is hardly any change in the circumstances from the earlier order rejecting bail, we are unable to grant bail to the petitioner.

Accordingly, prayer for bail is rejected and the application being CRM 6147 of 2021 is dismissed.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)