

CRM No.7042 of 2021

Via video conference

01.12.21

(S.R.)

Sl.156

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Uluberia** Police Station Case No.502 of 2017 dated 13/06/2017 under Sections 417/419/420/395/412 of the Indian Penal Code (G.R. Case No.1636 of 2017);

And

In re: Sk. Asraf

... petitioner.

Mr. Anindya Ghosh

... for the petitioner.

Mr. Prasanta Kr. Datta

Mr. S.D. Roy

...for the State.

The learned advocate appearing for the petitioner submits that the petitioner and the *de facto* complainant were neighbours. He has been falsely implicated. The allegations are *omnibus* in nature. There had been no substantial progress in the trial and in the said conspectus, further detention of the petitioner is not warranted, as he had already suffered long incarceration for more than four years.

Mr. Datta, learned advocate, appearing for the State opposes the petitioner's prayer and submits that the prayer for bail of a co-accused person, similarly situated with the present petitioner had already been rejected by a Coordinate Bench of this Court on 16th July, 2021 in CRM No.2229 of 2021. He further submits that there are strong incriminating materials on record against the petitioner and trial has already commenced and out of 22 witnesses 5 had already been examined.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary. It appears that a Coordinate Bench of this Court rejected prayer for bail of a co-accused person, similarly situated with the petitioner. *Prima facie*, there are strong incriminating materials against the petitioner and in view

thereof, we are not inclined to exercise any discretion in his favour. As such, his prayer for bail is rejected at this stage.

However, since the learned advocate for the petitioner has expressed his anguish and inconvenience, as regards the delay in the progress of the trial, we take notice of such issue and request the learned court below to expeditiously conduct the trial and, if necessary, upon resorting to the steps available under Section 309 of the Code of Criminal Procedure so that logical conclusion of the case may be reached at the earliest preferably within a period of six months without granting any unnecessary adjournment to either of the parties.

The application for bail being CRM No.7042 of 2021 is, accordingly, dismissed.

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.)