

23.11.2021
Court No.32
Item No. 09
Krishnendu
Bail Rejected

**CRM 7448 of 2021
(Via video Conference)**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Burtolla Police Station Case No. 196 dated 06.06.2016 under sections 364A/120B of the Indian Penal Code.

And

In re: **Gopal Das**

...Petitioner

Mr. Imtiaz Ahmed
Ms. Amrin Khatoon

... For the Petitioner

Mr. S.G. Mukherjee, Id. P.P.
Mrs. Faria Hossain

...For the State

The learned advocate appearing for the petitioner submits that the petitioner's advocate was not present when the matter was last rejected by a co-ordinate Bench of this Court on 7th September, 2021 and the Court could not be apprised of the facts. The petitioner had already suffered incarceration for about five years and there is also no possibility towards early conclusion of the trial and in view thereof, further detention of the petitioner is not warranted in the facts and circumstances of the case.

The learned advocate for the State opposes the petitioner's prayer for bail and submits that the delay in the trial is not attributable to the State and there had been no substantial change subsequent to the dismissal of the petitioner's prayer for bail on 7th September, 2021.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the gravity of the offence and as it appears that there had been no substantial change in the circumstances of the case subsequent to the dismissal of the earlier application for bail, we are not inclined to exercise any discretion in favour of the petitioner and his prayer for bail is refused at this stage.

However, the learned Court below is directed to conclude the trial expeditiously without granting any unnecessary adjournments to either of the parties.

The application for bail, being CRM No. 7448 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.)