

06.12.2021

Court No.32
rpan / **48**

C.R.M. 7571 of 2021

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

And

In Re. : **Shyamal Manna**

– Petitioner

Mr. Sourav Chatterjee,
Mr. Avik Ghatak,
Mr. Amit Ranjan Pati,
Ms. Afreen Begum

... for the Petitioner.

Mr. Madhusudan Sur,
Mr. Dipankar Paramanick

... for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Mandarmoni Coastal P.S. Case No. 47 of 2019 dated 02.11.2019 under Sections 366A/ 368/ 370/ 370A/ 372/ 373/ 120B/ 34 of the Indian Penal Code, 1860 and Sections 3/4/5/6/7/9 of the Immoral Trafficking Act, 1956 read with Sections 4/17/21 of the Protection of Children from Sexual Offences Act, 2012.

Mr. Chatterjee, learned advocate appearing for the petitioner submits that the petitioner is in custody for 766 days and there is no possibility towards conclusion of the trial in the near future. The owner of the resort had already been enlarged on bail on 21st September, 2020 by a coordinate Bench of this Court in CRM 6558 of 2020. In the said conspectus, further detention of the petitioner is not warranted.

Mr. Sur, learned Additional Public Prosecutor appearing for the State opposes the petitioner's prayer and submits that subsequent to grant of bail to Biplab Gundi @ Biplab Gunri the petitioner's prayer for bail was rejected on 14th December, 2020. There has been no change in the circumstances thereafter.

Having heard the learned advocates and considering the materials in the case diary, the gravity of the offence and since there had been no substantial change in the circumstances subsequent to rejection of the petitioner's prayer for bail on 14th December, 2020 in CRM 10362 of 2020, we are not inclined to exercise any discretion in favour of the petitioner and as such, his prayer for bail is **refused** at this stage.

Accordingly, the application for bail, being CRM No.7571 of 2021 is dismissed.

However, the learned court below is directed to take up the question of consideration of charges and commence the trial immediately thereafter without granting any unnecessary adjournment to either of the parties.

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)