

CRM 7980 of 2021
(via video conference)

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

And

In Re : Habibur Sk

.....Petitioner

Mr. Manas Kumar Das

.....for the Petitioner

Mr. N. Ahmed

Ms. Trina Mitra

.....for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Kandi P.S. Case No. 473 of 2020 dated 03.11.2020 under Sections 302/376D/34 of the Indian Penal Code.

Heard the learned lawyer appearing for the petitioner and perused the case diary.

The learned lawyer for the petitioner submitted that the present petitioner is in custody for more than 412 days. Charge sheet has been filed. Further custodial detention is not necessary.

Per contra, the learned lawyer representing the State invited our attention to various incriminating elements in the case diary, namely, confessional statement of the present petitioner, recovery of different articles and statement of witnesses as well as various phone calls between the present petitioner and the victim.

On perusal of the case diary and other materials, we find that allegation is very grave and serious and strong incriminating elements are there against the present petitioner. Therefore, we are not inclined to allow bail to the present petitioner.

The application being CRM 7980 of 2021 is dismissed.

However, as submitted by the learned lawyers appearing for both the parties that the trial has commenced, we direct the learned trial Court to expedite the trial.

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.)