

CRM No.7996 of 2021

Via video conference

24.12.21

(S.R.)

Sl.28

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Chanchal** Police Station Case No.507 of 2019 dated 20/07/2019 under Sections 302/34 of the Indian Penal Code (Corresponding to Sessions Case No.35 of 2020);

And

In re: Rabi Das

... petitioner.

Ms. Minoti Gomes

... for the petitioner.

Mr. Swapan Banerjee

Mr. Suman De

...for the State.

Ms. Gomes learned advocate appearing for the petitioner submits that the petitioner is languishing in custody for about 885 days and there is no possibility towards early conclusion of the trial in the near future. Considering such long detention, the petitioner may be enlarged on bail on any stringent condition.

Such prayer is opposed by Mr. Banerjee, learned advocate appearing for the State and he submits that there had been no change in the circumstances of the case subsequent to rejection of the petitioner's prayer earlier by a Coordinate Bench of this Court.

Heard the learned advocates and considered the materials on record.

Prima facie, there are strong incriminating materials against the petitioner. Considering the seriousness of the offence and the extent of his complicity, we are not inclined to exercise any discretion in his favour. As such, his prayer for bail is refused at this stage.

Answering a query of this Court, Mr. Banerjee submits that schedule for evidence has been fixed on 14th January and 15th January, 2022.

Ms. Gomes, however expresses the petitioner's 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, without granting any unnecessary adjournment to either of the parties.

With the above observations, the application for bail being CRM No.7996 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.)