

18.01.2021
Item No.27
Ct.No.28
Subha
rejected

C.R.M. 7114 of 2020
with
CRAN 1 of 2020
(Via Video Conference)

Baban Yadav
-vs-
The State of West Bengal

In Re: An application for bail under Section 439 Cr.P.C in connection with Bhadreswar P.S. Case No.441 of 2017 dated 22-11-2017 under Sections 302/34/120B of the Indian Penal Code and Sections 25/27/35 of the Arms Act (Sessions Case No. 19 of 2018).

Mr. Milon Mukherjee, Senior Advocate,
Mr. Ujjal Ray

... For the Petitioner.

Mr. S. G. Mukherji, PP
Mr. Sudip Ghosh,
Mr. Bitashok Banerjee

... For the State.

The learned advocate appearing for the petitioner submits that the petitioner is in custody since 2017 and although there was a direction passed in CRM 7597 of 2019 dated 27-08-2019 passed by a co-ordinate Bench of this Court to conclude the trial within a reasonable period of time, however, till date the trial could not be completed.

Learned senior Advocate for the petitioner further stresses on the period of detention and the petitioner being

innocent of charges being in custody without a final verdict being passed by the learned trial court.

Mr. Ghosh, learned advocate appearing for the State submits that presently two witnesses are to be examined in this case for concluding the prosecution evidence. The first two witnesses happened to be the two Investigating Officers of the case.

On instructions, Mr. Ghosh further submits that the next date being fixed tomorrow i.e., 19th January, 2021, the said Investigating Officer would be present in court for being examined.

Having regard to the materials appearing against the petitioner and the stage of the case, we are not inclined to release the present petitioner on bail at this stage.

Accordingly, the prayer for bail of the present petitioner is rejected.

However, the learned trial court is directed to adhere to the provisions of Section 309 of the Code of Criminal Procedure and take all efforts for concluding the trial as expeditiously as possible.

The application for bail being CRM 7114 of 2020 along with connected application being CRAN 1 of 2020 is, accordingly, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)