

20.05.2021
tkm/ct 28
sl no. 83

C.R.M. 7610 of 2020
(Via video conference)

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Durgachak P.S Case no. 30 of 2002 dated 18.2.2020 under sections 302/201/120B/34 of the IPC
And

In Re : Sk. Sadam Hossain petitioner

Mr. Milon Mukherjee, Sr. Adv.
Mr. D Dutta
..... for the petitioner

Mr. M Sur
Mr. D Paramanick
..... for the State

Learned senior counsel appearing on behalf of the petitioner submits that there is no incriminating material available against the petitioner for which the petitioner is required to be detained any further in custody. Moreover, DNA report relied upon by the prosecution does not match with the finger print of the present petitioner.

Learned lawyer for the State opposes the prayer for bail and refers to the orders passed in CRM 8108 of 2020 dated 20.10.2020 and 6277 of 2020 dated 4.9.2020 where co-ordinate Bench has been pleased to reject the bail application of co-accuseds after recording that prima facie involvement of the said co-accuseds in the commission of alleged offence as revealed from the case diary does not entitle them to be released on bail at this stage. Moreover, it was noticed that trial has progressed substantially.

Having considered the materials on record and the nature and gravity of offence and that the complainant has already been

examined in full, we dispose of this application by directing the learned trial court to prepare a schedule for examination for the witnesses and to adhere to such schedule as far as possible unless there are unavoidable circumstances not to do so and we expect and direct the prosecution as well as the defence to be present on each and every date of the trial and produce the witnesses as may be directed by the trial court.

Unless there are unavoidable reasons for non-production of the said witnesses, the prosecution is put on notice and it is expected that they line up their witnesses and should be prompt to produce the witnesses as and when required.

We request the trial court to conclude the examination of the witnesses preferably within one year from the date of communication of this order unless Covid circumstances intervene and disrupt functioning of the court.

In the event the progress of the trial is stalled and delayed for reasons not attributable to the petitioner, the petitioner shall be at liberty to renew his prayer for bail.

CRM 7610 of 2020 is accordingly, disposed of.

(Suvra Ghosh, J.)

(Soumen Sen, J.)