

10.02.2021

Item No.9

Ct.No.28

dc.

C.R.M. 8181 of 2020

with

C.R.A.N. 1 of 2020

(Via Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure.

And

In the matter of : **Ranjit Porel alias Saheb**

... Petitioner.

Mr. Debajyoti Deb,
Mr. Avishek Roy Chowdhury

... For the Petitioner.

Mr. Neguive Ahmed,
Ms. Amita Gaur

... For the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Behala P.S. Case No. 226 of 2019 dated 25.07.2019 under Sections 302/34/394 of the Indian Penal Code.

The learned advocate appearing for the petitioner submits that the petitioner is in custody for about 556 days and he is unnecessarily detained without the trial being progressed. He further submits that there has been compliance of the provisions of Section 207 of the Code of Criminal Procedure and on assessment of the evidence, *prima facie*, it appears that there are no materials to further detain the present petitioner.

Mr. Ahmed, learned advocate appearing for the State submits a report wherein it reflects that witness was present on the last occasion, but cross-examination could not be conducted because of prayer advanced by the learned advocate for the petitioner.

We have perused the materials on record which include the statement of the witnesses and the report of the Test Identification Parade. On assessment of the totality of the circumstances, we are of the opinion that there are materials which do not inspire to release the petitioner on bail at this stage. As such, petitioner's prayer for bail is **rejected**.

However, the learned trial court is directed to take steps so that the witnesses could regularly appear before the court and there is smooth progress of the case.

The report submitted by Mr. Ahmed, learned advocate for the State be kept with the records.

With the aforesaid observations, the application for bail, being CRM 8181 of 2020 and the connected application, being CRAN 1 of 2020 are disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)