

18.01.2021
Item No.43
Ct.No.28
Subha
rejected

C.R.M. 8287 of 2020
(Via Video Conference)

Samar Patra
-versus-
The State of West Bengal

In Re: An application for bail under Section 439 Cr.P.C in connection with Frazergunj P.S. Case No.30 of 2018 dated 12-04-2018 under Section 302 of the Indian Penal Code. (S. T. Case No. 204(08) of 2018).

Mr. Mritunjoy Chatterjee

... For the Petitioner.

Mr. Prasun Kumar Dutta
Mr. Pradipta Ganguly

... For the State.

The advocate-on-record for the petitioner undertakes to affirm and properly stamp the petition as per the rules within forty-eight hours of resumption of normal functioning of the court. The petition is taken up through video-conference on the basis of such undertaking.

Mr. Chatterjee, learned advocate appearing for the petitioner submits that the petitioner is in custody for about two years and 9 months and only three witnesses have been examined till date.

Learned advocate for the petitioner additionally submits that the petitioner is innocent and he has been falsely implicated on the basis of certain materials which are not admissible in evidence.

Mr. Dutta, learned advocate for the State opposes the prayer for bail of the petitioner and submits that there is clinching evidence so far as the present petitioner is concerned and he is the sole accused.

Learned advocate for the State further submits that the courts have been operating in a staggered manner and that is why evidence could not be progressed smoothly.

Having perused the materials available in the case diary as well as considering the stage of the case, we are not inclined to release the petitioner on bail.

As such, the prayer for bail of the petitioner is rejected at this stage.

However, the learned trial court is directed to monitor the case so that regular proceedings henceforth can be recorded in respect of the evidence so tendered by the prosecution.

With the aforesaid observations, the application for bail being CRM 8287 2020 along with connected application, if any, is, accordingly, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)