

07.07.2021
Item no.42
Court No.30
Avijit Mitra

C.R.M. 8697 of 2020 (through video conference)

In Re:- An application for bail under Section 439 of the
Code of Criminal Procedure, 1973;
And

In Re : Deb Kumar Chakraborty

.... Petitioner

Mr. Ayan Bhattacharya

...for the petitioner

Mr. Saswata Gopal Mukherjee, Ld. P.P.,

Mr. N. Ahmed,

Md. Anwar Hossain,

Ms. Amita Gaur

...for the State

The present application has been preferred in connection with Chitpur Police Station Case No.239 of 2011 dated 22nd November, 2011 under Sections 302/394 of the Indian Penal Code.

Mr. Bhattacharya, learned advocate appearing for the petitioner submits that the petitioner is languishing in custody for 9 years 7 months and 16 days. There had been no substantial progress in the trial in spite of earlier orders passed by this Court in the applications filed by the petitioner praying for bail. In the said conspectus, further detention of the petitioner is not necessary.

Records reveal that by an order dated 19th November, 2020, State was asked to file a report on the returnable date.

Mr. Mukherjee, learned Public Prosecutor appearing for the State has filed a report of the Officer-in-Charge, Anti Dacoity & Robbery Squad, Detective

Department, Lalbazar, Kolkata Police countersigned by the Deputy Commissioner of Police (Spl), Detective Department, Lalbazar, Kolkata dated 15th April, 2021. Let the said report be kept on record.

He further submits that the trial is at its fag end and only one witness is left for examination. The next date before the learned Court below has been fixed on 15th July, 2021.

From the report, as filed today, it appears that in the last four out of five dates, defence did not appear in trial though witness was present on every occasion. The delay towards conclusion of trial is, thus, not attributable to the prosecution.

In the said conspectus and considering the stage of the trial, we are not inclined to exercise any discretion in favour of the petitioner and accordingly, his prayer for bail is rejected at this stage.

However, the learned Court below is directed to conclude the trial, as expeditiously as possible, without granting any unnecessary adjournments to either of the parties.

The application being C.R.M. No.8697 of 2020 is dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Suvra Ghosh, J.)

(Tapabrata Chakraborty, J.)

