

23.07.2021
Court No.30
Item No. 03
Krishnendu
Bail Rejected

**CRM 9319 of 2020
(Via video Conference)**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In re: *Jangal Sk. @ Aziz Sk.*

...Petitioner

Mr. Debasish Roy
Mr. A.Ghatak

... For the Petitioner

Mr. S.G. Mukherjee, Id. P.P.
Mr. Swapan Banerjee
Mr. Suman De

...For the State

Mr. Sourav Chatterjee
Mr. S. Nag

... For the *De facto*
complainant

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Katwa Police Station Case No. 359 of 2016 dated 01.10.2016 under sections 302/34 of the Indian Penal Code and under sections 25/25(1B)(a)/27 of the Arms Act.

Mr. Roy, learned advocate appearing for the petitioner submits that the petitioner is languishing in custody for about four years nine months. Out of twenty-four witnesses, only twelve witnesses have been examined till date. When the petitioner's prayer for bail was earlier rejected by an order dated 31st July, 2019, a Co-ordinate Bench of this Court directed the learned Trial Court to expedite the trial and to conclude the same at an early date. However, there had been no substantial progress in the trial and there is no possibility towards early

conclusion of the same. In the said conspectus, further detention of the petitioner is not warranted.

Mr. Mukherji, learned Public Prosecutor appearing for the State submits, upon instruction, that twelve witnesses have already been examined and only four witnesses are remaining. The said witnesses are all government officials. Considering such stage of the trial, the petitioner is not entitled to the relief, as prayed for. He further submits, upon instruction, that after 31st July, 2019 the Trial Court was lying vacant and the Presiding Officer had joined only on 14th December, 2020. The next date has been fixed before the learned Trial Court on 3rd August, 2021.

Mr. Chatterjee, learned advocate enters appearance on behalf of the *de facto* complainant.

We have heard the learned advocates appearing for the respective parties.

Considering the gravity of the offence and the stage of trial, we are not inclined to exercise any discretion in favour of the petitioner and as such his prayer for bail is rejected at this stage.

However, since only four witnesses are remaining and as the next date has already been fixed on 3rd August, 2021, we direct the learned Court below to conclude the trial as expeditiously as possible, preferably within six months from date, without granting any unnecessary adjournments to either of the parties.

Accordingly, the application for bail, being CRM No. 9319 of 2020, is disposed of .

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.)