

22.03.2021.
Item No.11
(Rejected)

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C.R.M. 10800 of 2020

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 17.12.2020 in connection with Bowbazar P.S. Case No. 19 of 2014 dated 16.01.2014 (G.R. Case No. 86 of 2014) under Sections 302/326 of the Indian Penal Code;

And

In the matter of : **Sanjay Agarwal.**

... petitioner.

Mr. Rajeev Lochan.

...For the petitioner.

Mr. Neguive Ahmed, Ld. APP,
Ms. Anita Gaur.

...For the State.

Mr. Ayan Bhattacharjee,
Mr. Sharequl Haque,
Mr. Md. Zohaib Rauf,
Mr. Aditya Ratan Tiwari.

...For the defacto complainant.

The Advocate-on-Record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking the application is taken up for hearing.

This is an application for bail in connection with Bowbazar P.S. Case No. 19 of 2014 dated 16th January 2014 under Sections 302/326 of the Indian Penal Code at the behest of the petitioner.

The trial is at the advance stage. Thirteen witnesses have already been examined and, according to the learned Advocate for the State, five or six witnesses are yet to be examined. The next schedule for recording evidence at the prosecution side is fixed on 30th March 2021.

Admittedly, the petitioner is languishing in jail for nearly six years. The present case has been launched on the murder of a person who happened to be the husband of the defacto complainant. According to the learned Advocate for the petitioner, there was some dispute, which cropped up when the owner of the property decided to develop the same by engaging a developer and the petitioner being the tenant has been forcibly evicted from the tenanted premises. It is thus said that the entire case has been fabricated so that the tenant would not ventilate his grievance before the Court of Law and he, in fact, has been implicated by hatching a conspiracy against him and, therefore, being the victim of circumstances he should not be allowed to remain in correctional home for all time to come.

A bunch of documents are handed over to the Court containing various agreements as well as the documents, which, according to the petitioner, is an outcome of forgery. We do not know whether those documents have been a part of the trial court record or have been exhibited therein. The prosecution witness is being examined and we could see a substantial progress in the sessions trial.

We appreciate and feel the agony and anguish shown by the learned Advocate for the petitioner because of the delay in completion of trial of the case but since the matter has already been fixed on 30th March 2021 for recording the evidence of further witnesses, we feel that justice would be sub-served and shall be imparted to the petitioner if the trial is expedited and brought to its logical end at an earliest.

We do not find any grounds warranting release of the petitioner on bail at this stage.

However, we direct the trial court to take utmost efforts to record the remaining witnesses sought to be cited by the prosecution on 30th March 2021 and endeavour shall be shown to complete the trial of the case within three months therefrom without granting unnecessary adjournments to either of the parties.

With these observations, the application for bail being CRM 10800 of 2020 is **rejected**.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)