

29.01.2021
Item no.14
Court No.28
Avijit Mitra

C.R.M.10873 of 2020 (through video conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Taherpur Police Station Case No.116 of 2014 dated 28.04.2014 under Section 302 of the Indian Penal Code;

And

In Re : Ujjal Biswas alias Ujjwal Biswas

.... petitioner

Mr. Angshuman Chakraborty,

Mr. Shasanka Sekhar Saha

....for the petitioner

Mr. Madhusudan Sur,

Mr. Manoranjan Mahata

..... for the State

The learned advocate appearing for the petitioner submits that the petitioner is in custody for six years seven months and since October, 2019 no witness has been examined on behalf of the prosecution. Additionally the learned advocate submits that the ocular evidence is contrary to the medical evidence as according to him the death was due to poisoning.

Mr. Sur, learned advocate appearing for the State opposes the prayer for bail and submits that out of 23 witnesses as cited, 19 witnesses have already been examined and the investigating officer of the case was examined on 26th June, 2019. He further submits that the examination of the Executive Magistrate and public witnesses are only left and the next date is fixed on 1st March, 2021.

In view of the advanced stage of the case, we are of the opinion that it would not be a fit and proper case to release the petitioner at this stage. Accordingly, prayer for bail of the petitioner is rejected.

However, Officer-in-Charge, Taherpur Police Station is hereby directed to take all steps and produce the witnesses on 1st March, 2021 before the learned Additional District and Sessions Judge, Ranaghat, Nadia in connection with the instant case. The learned Trial Court would not grant any unnecessary adjournments to either of the parties and shall arrive at its conclusion within a reasonable period of time, as early as possible.

The investigating officer is present in Court. His further appearance is dispensed with.

Accordingly, prayer for bail being C.R.M. No.10873 of 2020 is disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)