

18.02.2021  
Court No.28  
rpan / 15

**C.R.M. 10901 of 2020**  
**(Via Video Conference)**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with West Port Police Station Case No.192 dated 11.09.2016 under Sections 395/397 of the Indian Penal Code and Sections 25(1B)/27 of the Arms Act;

And

In Re : **Md. Shakir @ Sagar @ Md. Sakir**  
- Petitioner.

Md. Zeeshan Uddin,  
Ms. Amrin Khatoon  
... for the petitioner.  
Mr. Rudradipta Nandy  
... for the State.

The learned advocate for the petitioner submits that the petitioner is in custody for three years six months and although investigation of the case was concluded long back but the progress of the case pursuant to that is very slow. The learned advocate submits that after framing of charge, only five witnesses out of 31 witnesses have been examined till date. Additionally, the learned advocate prays that on such background, the petitioner may be granted bail on any stringent condition.

Mr. Nandy, learned advocate appearing for the State opposes the prayer for bail and submits that the petitioner was identified in the T.I. parade and there were recoveries from the possession of the present petitioner. He further adds that for the last one year nothing could progress only

because of the pandemic and there was no regular functioning of the trial courts.

We have considered the submissions advanced on behalf of both the parties and the fact that next date is fixed on 23<sup>rd</sup> February, 2021 for recording of further evidence. Having regard to the fact that no progress could take place in trial courts due to pandemic, as a last opportunity, we grant a period of six months to the prosecution to substantially progress with the trial of the case which is stalled for a considerable period of time.

We further direct any court in charge of the present trial court would conduct the trial and should not grant any unnecessary adjournment to either of the parties.

The bail application of the petitioner is rejected for the present. However, the learned trial court is directed to comply with the aforesaid conditions.

In case, there is no substantial progress in the trial before the learned court below, the petitioner would be at liberty to renew the prayer for bail.

With the aforesaid observations, the application for bail, being CRM No.10901 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.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)