

23.02.2021
Court No.28
rpan /16

**CRM 10959 of 2020
(Via video Conference)**

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

And

In Re : **Osman Sk @ Ramjan Sk**

Petitioner

Mr. Prabir Majumder

For the Petitioner

Mr. Madhusudan Sur,
Mr. Manoranjan Mahata

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Nakashipara Police Station Case No. 88 of 2019 dated 21.02.2019 under sections 302/34 of the Indian Penal Code.

Mr. Majumder, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated, no overt act has been attributed to the petitioner and the entire case is based on circumstantial evidence. Upon completion of investigation charge-sheet has also been submitted and as such, further detention of the petitioner, who is in custody for more than 731 days, is not necessary. He further submits that the trial has been unnecessarily delayed. Such delay is attributable to the prosecution and the petitioner cannot be a victim of such delay. Every person under the

Constitution has a right towards speedy trial. In the said conspectus, the petitioner should be enlarged on bail.

Mr. Sur, learned advocate appearing for the State opposes the petitioner's prayer and submits that there were recoveries from the petitioner. The delay, which has occurred, is not totally attributable to the prosecution. In support of such contention, he has placed before this Court a report. A copy of the same, as produced, be kept on record. He further submits that on previous three occasions the petitioner's prayer for bail was turned down and the next dates for hearing had been scheduled on 3rd May, 2021, 4th May, 2021 and 5th May, 2021.

We have considered the materials in the case diary as well as the report, as submitted by Mr. Sur. Upon perusal of the same it cannot be construed that the entire delay was attributable to the prosecution. Furthermore, as there were recoveries from the petitioner and considering the gravity of the offence, its ramifications and the extent of complicity of the petitioner, we are not inclined to allow the petitioner's prayer at this stage.

However, the learned trial court is directed to expedite the trial and to conclude the same as early as possible without granting any unnecessary adjournments to the parties.

Accordingly, the application for bail, being CRM No. 10959 of 2020, is dismissed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)

