

18.03.2021

CRM 11275 of 2020

Court No. 28
Item No. 54
snandy

(REJECTED)

In Re: An application for **Bail** under Section **439** of the Code of Criminal Procedure filed on 24.12.2020 in connection with Sealdah GRPS Case No. 234 of 2016 dated 01.11.2016 under Sections 324/307 of the Indian Penal Code. (G.R. Case No. 441 of 2016)

and

In the matter of: **Jahangir Molla @ Sk. Jahangir**

..... Petitioner

Mr. Ataur Rahaman, Advocate

Ms. Sagufa Naag, Advocate

.....for the Petitioner

Mr. Rana Mukherjee, Advocate

Ms. Sujata Das, Advocate

..... for the State

The petitioner has filed the instant application for bail in connection with Sealdah GRPS Case No. 234 of 2016 dated 01.11.2016 under Sections 324/307 of the Indian Penal Code.

This is a renewal of the prayer for bail at the instance of the petitioner against whom the aforementioned case has been initiated. It is submitted by the learned Advocate of the petitioner that the petitioner is in custody for nearly 980 days and there is no ray of hope, which the petitioner could see for early disposal of the case. It is ardently submitted that since 2019, no further witness has been examined. The learned Advocate drew our attention to the order dated March 3, 2020 passed in CRM 2368 of 2020 in support of the contention that despite direction having passed upon the trial Court to conclude the trial preferably within three months from the next date so fixed, no progress has yet been seen.

On the other hand, learned Advocate for the State opposes the prayer for bail and submits that nine chargesheeted witnesses have been examined out of twelve and because of unforeseen circumstances, the progress in the trial could not be made.

It is no doubt true that trial has commenced and major witnesses have been examined except three chargesheeted witnesses. The earlier application for bail was rejected on March 3, 2020 with a specific direction to conclude the trial within a stipulated time but the pandemic could not be foreseen at such relevant point. Because of the pandemic there has been a disruption not only in the daily life but also in functioning of the Courts.

It has been informed to us that the next schedule of recording evidence is fixed in the first part of April, 2021. We thus expect that the learned Sessions Judge would take up the matter and we trust and hope that the prosecution would bring the witnesses during the aforesaid period for recording evidence without seeking adjournments except in unavoidable circumstances. The petitioner shall also cooperate with the learned Sessions Judge in bringing the case to its logical end.

Since we do not have any material warranting the release of the petitioner on bail, the prayer for bail is **rejected**.

The application being **CRM 11275 of 2020** accordingly **dismissed**.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)