

29.06.2021

Court No.28
Item No.08
(Rejected)

akd
&
as

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT
JALPAIGURI**

(Via Video Conference)

CRM 607 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Banarhat Police Station Case No. 157 of 2018, dated 18.07.2018 under Sections 341/326/307 of the Indian Penal Code (G.R. Case No. 2731 of 2018);

And

In the matter of : **Subhash Mirdha**

...Petitioner

Mr. Debajit Kundu,

...For the Petitioner

Mr. Ujjwal Luksom,

Mr. Biswarup Roy.

...For the State.

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.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Banarhat Police Station Case No. 157 of 2018 under Sections 341/326/307 of the Indian Penal Code.

The petitioner has filed the instant application renewing the prayer for bail. His earlier application for bail being CRM 26 of 2021 was rejected by this Court on 9th February, 2021 with a categorical finding that five witnesses have already been examined and the remaining seven witnesses are to be examined. Since thereafter no progress has been seen in the trial, at least the learned Advocate for the State could not apprise us of any improvement having shown therein.

Be that as it may, the right to speedy trial is enshrined in the Constitution and a person should not remain in custody eternally.

We, therefore, request the learned Sessions Judge to expedite

the matter and complete the trial within eight months from date; if necessary, learned Sessions Judge shall fix the consecutive dates for recording evidence of the remaining witnesses.

Since we do not find any element of releasing the petitioner on bail despite languishing in jail for nearly 972 days, the application for bail is hereby rejected.

The application for bail being CRM 607 of 2021 is thus **Dismissed.**

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)