

26.08.2021

Court No.28
Item No.8
(REJECTED)

ab

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

(Via Video Conference)

CRM 854 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. 222 of 2013 dated 28.08.2013 under Sections 376/326/307 of the Indian Penal Code;

And

In the matter of : **Siraj Ansari @ Ansari.**

...Petitioner

Mr. Sudip Guha.

...For the Petitioner

**Mr. Aditi Shankar Chakraborty, Ld. APP,
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. 222 of 2013 dated 28.08.2013 under Sections 376/326/307 of the Indian Penal Code.

It is really unfortunate that the petitioner, who is languishing in jail for nearly eight years or more and hoping for early disposal of the case, is still waiting for justice to be imparted as out of thirteen charge-sheeted witnesses only one has been examined in part. There

has been repeated adjournment in the case, may be for one reason or another, and both the prosecution and the defence can be held responsible for the same.

The case should not remain in the docket of the Court eternally and because of the serious allegation having leveled against the petitioner, he is kept under detention. It is the high time when all the pillars of the judicial system must be sensitized and the cooperation and assistance in smooth functioning of the Court is required to be established. There are various reasons for which the matter get delayed and one of the prime elements is the frequent adjournment sought and granted by the Court.

Considering the gravity of the matter and the materials found against the petitioner, we do not find that it is a fit case where the petitioner should be enlarged on bail. Hence, the prayer for bail of the petitioner is rejected.

While we reject the prayer for bail of the petitioner, equally we cannot shut our eyes towards the delayed disposal of the said case. We, therefore, direct the learned Additional Sessions Judge, 4th Court, Jalpaiguri, to fix a date for recording the evidence of the charge-sheeted witnesses within fortnight from the date of communication of this order and shall fix a schedule for recording the evidence on day to day basis.

The prosecution is directed to produce the witnesses on each day and shall not divulge in asking for adjournment except under the circumstances beyond conceivable aspect.

The defence shall also remain present on each day and shall

cooperate and assist the Judicial Officer to adhere the mandate given herein above and shall also not ask for any adjournment except under exceptional circumstances.

We hope and trust that the trial would be completed within six months from the date of fixing the first date for completion of the evidence of the prosecution's witness no. 1.

With these observations, the application for bail being CRM 854 of 2021 is **dismissed**.

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)