

Via video conference

21.02.22

(S.R.)

Sl.30

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Karaya** Police Station Case No.188 of 2020 dated 30/05/2020 under Sections 364/307 of the Indian Penal Code;

And

In re: Md. Arman

... petitioner.

Mr. Satadru Lahiri

Mr. Safdar Azam

Mr. Shirsho Dasgupta

... for the petitioner.

Mr. Saibal Bapuli, APP

Mr. B. Bhattacharya

...for the State.

Mr. Lahiri, learned advocate appearing for the petitioner submits that the allegations levelled against the petitioner are not sustainable. Drawing our attention to the injury report, he submits that there was no major injury. The victim boy has already been recovered and there had been no substantial progress in the trial subsequent to rejection of the petitioner's prayer for bail by a Coordinate Bench of this Court way back on 23rd September, 2020. The petitioner is languishing in custody for more than one year eight months and in the said conspectus, he may be enlarged on bail on any stringent condition.

Mr. Bapuli, learned advocate appearing for the State opposes the petitioner's prayer and submits that upon completion of investigation charge sheet was submitted but the trial could not proceed since the petitioner has neither engaged any counsel on his behalf nor has taken the assistance of the District Legal Services Authority. The delay, which has occurred, is thus not attributable to the State.

Heard the learned advocates and considered the materials in the case diary.

The delay in trial, *prima facie*, is not totally attributable to the

State. We also do not find any substantial change in the facts and circumstances subsequent to rejection of the petitioner's earlier prayer for bail by a Coordinate Bench of this Court on 23rd September, 2020. It also appears from the said order that the same was passed after considering the statement of the victim boy as well as the injury report. In view thereof, we are not inclined to exercise any discretion in favour of the petitioner and his prayer for bail is refused at this stage.

The application for bail being CRM(DB) No.107 of 2022 is, accordingly, dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)