

21.02.2022

Item No.39

Court No.32

ss

C.R.M. (DB) 115 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure Code.

And

In Re: Anup Gayen

... Petitioner.

Mr. Kallol Kumar Basu

Md. Jannat ul Firdous

Ms. Tithi Majumdar

... for the Petitioner.

Mr. Rudradipta Nandy

... for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Swarupnagar P.S. Case No. 435 of 2018 dated 23.08.2018 under Sections 363/365 of the Indian Penal Code adding with Section 325/326/307/364A/120B of the Indian Penal Code.

Mr. Kallol Basu, learned lawyer for the petitioner at the outset has candidly admitted that the earlier bail applications were rejected by this Hon'ble Court. However, he submits that the petitioner is in custody for about 3 years 11 months. Although charge-sheet has been filed, charge has not yet been framed. Since there is no progress towards trial, Mr. Basu has renewed his prayer for bail. Mr. Basu also submits that one of the co-accused is on bail.

Per contra, Mr. Nandy, learned lawyer appearing on behalf of the State opposes the bail on the ground that strong

incriminating elements are there against the petitioner and repeatedly the bail applications were rejected.

Heard learned lawyers appearing for the respective parties and considered the materials in the case diary.

There is no change in the circumstances since earlier rejection of the bail applications. Strong incriminating materials are there in the case diary showing the active complicity of the petitioner in the alleged offence. Considering the seriousness of the offence, overt acts attributable to the present petitioner, we are not inclined to allow the application for bail.

However, we direct the learned Trial Court to consider the charge within a period of 15 days from the date of communication of this order and if charge has already been framed, to expedite the trial within a period of eight months from the date of consideration of charge positively.

Learned Registrar (Administration) of this Court is to communicate this order to the learned Court below.

With the aforesaid observations, the application for bail, being CRM (DB) 115 of 2022, is disposed of.

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.)