

21.02.2022
Court No.32
Item No. 58
Avijit Mitra

C.R.M.(DB) No.139 of 2022 (Through video conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : Laxman @ Lakshan Hasda @ Ratha

Petitioner

Mr. Koushik Choudhury,
Ms. Busra Khatun

For the Petitioner

Mr. S.G. Mukherjee, Ld. P.P.,
Mr. Partha Pratim Das,
Ms. Manasi Roy

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Balurghat Police Station Case No.468 of 2019 dated 16.09.2019 under sections 447/325/326/302/34 of the Indian Penal Code.

Mr. Choudhury , learned advocate appearing for the petitioner submits that the petitioner is languishing in custody for about 888 days and there is no possibility towards conclusion of the trial in the near future. No specific overt act has been attributed to the petitioner and in view thereof, further detention may not be necessary.

Mr. Das, learned advocate appearing for the State however, opposes the petitioner's prayer and draws our attention to the statement of the eye-witnesses, the *post-mortem* report as well as the seizure list. Answering our query, Mr. Das submits that the trial has already commenced and the next date is fixed on 5th March, 2022.

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

Prima facie, there are incriminating materials on record against the petitioner. On the basis of the petitioner's statement offending weapon was recovered. Considering the seriousness of the offence, the manner in which the offence has taken place, the extent of complicity of the petitioner in the alleged offence and the present stage of the proceedings, we are not inclined to exercise any discretion in favour of the petitioner and as such, his prayer for bail is refused, at this stage.

However, the learned Court below is directed to take expeditious steps towards conclusion of the trial.

The application for bail, being CRM (DB) No.139 of 2022, is 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)