

CRM (DB) 185 of 2022

In re : An Application for bail under Section 439 of the Code of Criminal Procedure filed on 19.01.2022 in connection with Hirapur P.S. Case No. 387 of 2017 dated 23.12.2017 under Sections 395/397/412 of the Indian Penal Code.

-And-

In the matter of: **Subodh Singh @ Chotu**

... ...Petitioner

Mr. Milon Mukherjee, Sr. Advocate

Mr. Avik Ghatak, Advocate

Mr. Saibal Krishna Dasgupta, Advocate

... ... For the Petitioner

Mr. Nguive Ahmed, Id. APP

Mr. Rudradipta Nandy, Advocate

... ... For the State

Petitioner seeks bail.

Learned Senior Advocate appearing for the petitioner submits that the petitioner is sought to be falsely implicated under the provisions of Section 395/397/412 of the Indian Penal Code. He admits that there was four persons involved and, therefore, the provisions of Section 395/397 will not be attributed. He submits that the petitioner is in custody in excess of 4 years. There is hardly any chance of trial concluding any time soon. He submits only the charges were framed without any prosecution witness being examined.

Learned Advocate appearing for the State submits that the trial cannot be progressed in view of the fact that the petitioner herein is at a correctional home at Bihar in connection with another police case. Despite requests being made for production of the petitioner either physically or by virtual platform, the authorities in Bihar are not taking steps.

Learned Advocate appearing for the State draws the attention to the number of dates where the accused took adjournments. He submits that the prosecution is not indolent.

Learned Advocate appearing for the State draws the attention to the materials in the case diary. He submits that the petitioner was identified in the Test Identification Parade. The petitioner also signed the visitor's registry at the place where the incident took place. He refers to the CC TV footage implicating the petitioner.

There are overwhelming materials in the case diary implicating the petitioner in the incident concerned. The delay of trial cannot be attributed to the prosecution solely.

There is hardly any material change in circumstance subsequent to the earlier order of rejection. Consequently, we are unable to grant bail to the petitioner.

CRM (DB) 185 of 2022 is rejected

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)