

CRM (DB) 212 of 2022

In re : An Application for bail under Section 439 of the Code of Criminal Procedure filed on 20.01.2022 in connection with Goghat P.S. Case No. 452 of 2017 dated 20.11.2017 under Sections 302/201/379/411 of the Indian Penal Code.

-And-

In the matter of: **Tapas Saha**

... ..**Petitioner**

Mr. Ravi Shankar Chattopadhyay, Advocate
Mr. Suman Shankar Chattopadhyay, Advocate
Mr. Santasnu Maji, Advocate

... .. For the Petitioner

Mr. Madhusudan Sur, Id. APP
Mr. Manoranjan Mahata, Advocate

... .. For the State

Petitioner renews the prayer for bail.

Learned Advocate appearing for the petitioner submits that the petitioner is in custody in excess of 4 years 5 months. No advocate at the concerned Court is willing to appear for the petitioner. The petitioner somehow got one advocate from Burdwan Judges' Court to appear on behalf of the petitioner. He submits that there is no material as against the petitioner to implicate the petitioner.

Learned Advocate appearing for the State draws the attention to the materials in the case diary and the orders of the rejection of the prayer for bail.

The last order of rejection of the prayer for bail of the petitioner is dated November 27, 2020 passed in CRM 9361 of 2020. It was observed that earlier three bail applications were rejected since the Court did not find any material justifying the release of the petitioner on bail.

Learned Advocate for the State submits that the witnesses of the prosecution are present in Court with the accused not cross-examining such witnesses.

In such circumstances, it cannot be said that the prosecution is indolent in conducting the case.

There is hardly any material change in circumstances subsequent to the earlier order of rejection dated November 27, 2020.

In such circumstances, we are unable to enlarge the petitioner on bail.

CRM (DB) 212 of 2022 is rejected

However, we reiterate the request made earlier to the learned trial Court to make utmost effort to conclude the trial as expeditiously as possible. The trial Court is now to invoke Section 309 of the Code of Criminal Procedure.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)