

14.03.2022
Court No.32
Item No. 22
Avijit Mitra

C.R.M. (DB) No.315 of 2022

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

And

In Re : Balaram Sarkar

Petitioner

Ms. Minoti Gomes,
Mr. Jisan Iqbal Hossain

For the petitioner

Ms. Faria Hossain,
Ms. Sonali Das

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Domkal Police Station Case No.887 of 2017 dated 14.10.2017 under sections 363/365/34 of the Indian Penal Code and added Section 376 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act.

Ms. Gomes, learned advocate appearing for the petitioner submits that a co-accused person has already been enlarged on bail by a Coordinate Bench of this Court. The petitioner is languishing in custody for more than four years and five months. There is also no possibility towards conclusion of the trial in the near future.

Ms. Das, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the victim as recorded under Section 164 of the Code and other documents in the case diary. She further submits that there are strong incriminating materials against petitioner and his prayer

for bail was rejected twice earlier. The delay in trial is not attributable to the State. A substantial period was lost due to the pandemics.

Answering our query she submits that charges have already been framed and date is fixed on 19th April, 2022 for evidence. There are in total 12 witnesses.

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

Prima facie, we do not find any substantial change in the circumstances subsequent to rejection of the petitioner's earlier prayer for bail on 14th December, 2020. Accordingly, his prayer for bail is refused at this stage.

We direct the learned Court below to expeditiously conduct the trial, without granting any unnecessary adjournment to either of the parties and, if necessary, upon resorting to the steps available under section 309 of the Code of Criminal Procedure so that logical conclusion of the case may be reached at the earliest preferably within a period of eight months from the date of communication of this order.

Accordingly, the application for bail, being CRM (DB) No.315 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)

