

14.03.2022

Court No.32
rpan /42

CRM (DB) 355 of 2022

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Krishnaganj Police Station Case no.198 of 2020 dated 18.09.2020 under Sections 498A/302 of the Indian Penal Code, 1860, adding Sections 25/27 of the Arms Act;

And

In Re : **Joydeb Biswas**

- Petitioner.

Ms. Juin Dutta Chakraborty
... for the petitioner.

Ms. Zareen N. Khan,
Mr. Md. Kutubuddin
... for the State.

Ms. Chakraborty, learned advocate appearing for the petitioner submits that upon completion of investigation charge sheet has already been submitted. However, till date the charges have not been framed. The petitioner has already suffered long incarceration for about 538 days and in the said conspectus, his further detention may not be necessary and he may be enlarged on bail on any stringent condition.

Ms. Khan, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the witnesses, the post-mortem report and the seizure lists.

Having heard the learned advocates and considering the materials in the case diary, including the statement of the victim's son, the seriousness of the offence, the nature of accusations and the extent of complicity of the petitioner in the alleged offence, we

are not inclined to exercise any discretion in favour of the petitioner. As such his prayer for bail is refused at this stage.

However, the learned court below is directed to take up the issue of consideration of charges on the date fixed, without granting any unnecessary adjournments to either of the parties. In the event charges are framed, the learned court below shall expedite the trial and conclude the same at the earliest.

With the above observations, the application for bail, being CRM (DB) 355 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.)