

CRM (DB) 381 of 2022
(via video conference)

Re: An application for bail under Section 439 of the Code of Criminal Procedure.

In the matter of : **Ratan Bala**

..... petitioner

Mr. Sayan De
Mr. Sayan Kanjilal

.....For the petitioners

Mr. Binay Panda
Mr. Subham Bhakat

.....For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Hanskhali PS Case No. 194/2019 dated 14/05/2019 under Section 376AB of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act.

Mr. De, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. He is languishing in custody since 21st June, 2019. Even after rejection of the petitioner's earlier prayer for bail, there had been no progress in the trial. The charges were framed on 3rd September, 2019 and till date, no witness has been examined. As such, there is no possibility towards conclusion of the trial in the near future. In the said conspectus, the petitioner may be enlarged on bail on any stringent condition moreso when he is suffering from different ailments.

Mr. Panda, learned advocate appearing for the State opposes the petitioner's prayer and submits that the delay which has occurred, is not totally attributable to the State. Furthermore, the period of delay stands intervened by a period lost due to pandemic. Answering our query he submits that charges have been framed and there are 11 witnesses.

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

Considering the nature of allegations and as there had been no substantial change in the circumstances subsequent to rejection of the petitioner's earlier prayer for bail on 28th August, 2020, we are not inclined to exercise any discretion in favour of the petitioner. As such, prayer for bail is refused at this stage.

The application CRM (DB) 381 of 2022 is, accordingly, dismissed.

However, the learned trial Court is directed to expeditiously conduct the trial and if necessary, upon resorting to steps available under Section 309 of the Code so that logical conclusion of the case may be reached at the earliest preferably within a period of eight months from the date of the communication of this Court.

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.)