

49 10.05.2022
(AD) Court No.29

(Rejected)

C.R.M. (DB) 828 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with S.T. 03(07)17 arising out of **Deganga** P.S. Case No.**479 of 2016** dated **02.07.2016** under Sections **498A/302/34** of the Indian Penal Code.

And

In the matter of: Arijul alias Apijul Mondal

....petitioner.

Mr. Angshuman Chakraborty
Mr. Shashanka Shekhar Saha

...for the petitioner.

Ms. Zareen N. Khan
Md. Kutub Uddin

... for the State.

Petitioner renews the prayer for bail.

Learned Advocate appearing for the petitioner submits that the petitioner is in custody for five years and nine months. All other co-accuseds were enlarged on bail. He submits that only two of the prosecution witnesses were examined. He contends that there is hardly any possibility of the trial commencing any time soon. The evidence so far led does not implicate the petitioner.

Learned Advocate appearing for the State submits that out of 17 prosecution witnesses, 5 were examined. The Trial is in progress. The next dates are on July 12, 2022 to July 18, 2022 on every working day thereof.

The trial is in progress. At this stage, we are not called

upon to evaluate the evidence led. Out of 17 prosecution witnesses, 5 were examined. The Trial Court invoked the provisions of Section 309 of the Code of Criminal Procedure and fixed consecutive dates for the trial. The next dates as noted above are from July 12, 2022.

Considering the gravity of the offence and the involvement of the petitioner therein as transpiring from the materials in the case diary and considering the fact that the trial is in progress, we are unable to enlarge the petitioner on bail at this crucial stage.

Accordingly, the prayer for bail of the petitioner is rejected.

We, however, request the learned Trial Judge to dispose of the trial as expeditiously as possible and not to grant any unnecessary adjournments to any of the parties.

The report submitted in Court be taken on record.

C.R.M. (DB) 828 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)