

02.03.2022

Court No.32

rpan / 171

C.R.M. 2379 of 2021

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection Purulia (T) Police Station Case no.07 of 2020 dated 18.01.2020 under Sections 302/120B of the Indian Penal Code, 1860;

And

In Re : **Ajoy Ambwani**

- Petitioner.

Mr. Md. Ashraf Ali,

Ms. Sabnam Laskar

... for the petitioner.

Mr. Madhusudan Sur,

Mr. Dipankar Paramanick

... for the State.

Mr. Ali, learned advocate appearing for the petitioner submits that the petitioner is languishing in custody for more than two years one month and there is no possibility towards conclusion of the trial in the near future inasmuch as till date one witness has been examined. According to him, deprivation of personal liberty without ensuring speedy trial would not be in consonance with the right guaranteed by Article 21 of the Constitution of India and in the said conspectus, further detention of the petitioner may not be necessary and he may be enlarged on bail on any stringent condition.

Answering our query, Mr. Sur, learned advocate appearing for the State submits that there are 24 witnesses in total and one witness has already been examined. He 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 the pandemics.

Heard the learned advocates and considered the materials in the case diary.

Prima facie, we find strong incriminating materials on record against the petitioner. It also appears that the petitioner's prayer was earlier rejected on 12th November, 2020 and there had been no substantial change in the circumstances subsequent thereto. As such, the petitioner's prayer for bail is refused at this stage.

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 this case may be reached at the earliest.

With the aforesaid observations, the application for bail, being CRM 2379 of 2021 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.)