

02.05.2022

Sl. 35
Court No.29
suvayan
(rejected)

C.R.M. (DB) 952 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Serampore** P.S. case No. **398 of 2014** dated **31/07/2014** under Section **302** of the Indian Penal Code, 1860.

And

In the matter of: Karma Munda

....petitioner.

Ms. Jeenia Rudra

...for the petitioner.

Mr. Neguive Ahmed, Ld. APP

Ms. Amita Gaur

...for the State.

Petitioner renews the prayer for bail.

Learned Advocate appearing for the petitioner submits that the petitioner is in custody in excess of 7 years 8 months. The prosecutions are tardy in conducting the case. She submits that only three witnesses on the part of the prosecution out of fifteen charge-sheet witnesses were examined. The trial is unlikely to be concluded any time soon.

Learned Advocate appearing for the State submits that on one date, the witness of the prosecution did not turn up. She submits that the next date fixed for the purpose of recording evidence of the prosecution is June 17, 2022, June 18, 2022 and June 20, 2022.

The impact of COVID on the progress of the trial cannot be overlooked. The Trial Court fixed dates in the month of June for recording of the evidences of the prosecution witnesses.

The prayer for bail was rejected on merits on two several occasions. There is hardly any material change in circumstances subsequent to the earlier order of rejection.

In such circumstances, we are unable to grant bail to the petitioner.

However, we request the learned Trial Court to invoke the provisions of the Section 309 of the Criminal Procedure Code and not to grant any unnecessary adjournments to any of the parties. The Trial Court is requested to endeavor and dispose of the trial as expeditiously as possible.

C.R.M. (DB) 952 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)