

10.05.2022
Serial no.57
Aloke
Ct. No. 29

CRM (DB) 1193 of 2022

In re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Santipur P.S. Case No. 11 of 2016 dated 05.01.2016 under Section 302/201/109/120B/34 of the Indian Penal Code.

-And-

In the matter of : **Ramprasad Biswas**

... ..Petitioner

Mr. Angshuman Chakraborty, Advocate

... .. For the Petitioner

Mr. Neguive Ahmed, Id. APP

Ms. Trina Mitra, Advocate

... .. For the State

Petitioner prays for bail.

Learned Advocate appearing for the petitioner submits that the petitioner is in custody in excess of 6 years 4 months. Out of 19 prosecution witnesses 5 were examined. Two of the co-accused who stands on the same footing were enlarged on bail by this Hon'ble Court on the ground that the trial would not be concluding any time soon. He submits that no prosecution witness was examined since 2019.

Learned Additional Public Prosecutor submits that the petitioner stands implicated by the statement of one of the co-accused recorded under Section 164 of the Code of Criminal Procedure. The petitioner murdered the girl child. The next date for recording the evidence of the prosecution is fixed on June 4, 2022.

In the facts of the present case, it would be appropriate to direct the trial Court to invoke the provisions of Section 309 of the Code of Criminal Procedure, fix consecutive dates of trial and not to grant any unnecessary adjournment to any of the parties.

Considering the gravity of the offence and the involvement of the petitioner therein as transpiring from the materials in the case diary, we are unable to grant bail to the petitioner.

CRM (DB) 1193 of 2022 is rejected.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)