

03.02.2022
Item no.07
Court No.32
Avijit Mitra

C.R.M. 5256 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Golabari Police Station Case No.717 of 2017 dated 15.11.2017 under Sections 489B/120B/489C of the Indian Penal Code.

And

In Re : Fijul Mia

.... petitioner

Mr. Jayanta Narayan Chatterjee,
Mr. Nazir Ahmed,
Ms. Swagata Das,
Ms. Pritha Sinha

....for the petitioner

Mr. Swapan Banerjee,
Mr. Suman De

....for the State

Mr. Chattejee, learned lawyer appearing for the present petitioner submitted that the petitioner is in custody for about 4 years and 5 months. Progress of trial is very slow. The petitioner is prejudiced by such delay in trial. The principal accused has already expired in custody. Considering the long period of detention and having no immediate progress in trial Mr. Chatterjee prays for bail.

Per contra, Mr. De, learned lawyer appearing for the State invited our attention to the status report and submitted that date is fixed for examination of witnesses. Therefore, trial has already been commenced. Other accused persons who were arrested on spot are in custody and one of them has expired. Since allegation is serious and strong incriminating elements are there he opposes the bail.

It is further submitted that bail was earlier rejected twice by this Hon'ble Court and no change in the circumstances are there warranting further consideration favouring grant of bail. Accordingly, bail is strongly opposed.

We have heard the rival submissions and perused the case diary. Materials in the case diary shows involvement of the present petitioner and other co-accused in the alleged offence. There are strong incriminating elements in the case diary against the present petitioner. All the other co-accused persons similarly situated and arrested alongwith are in custody. Trial has already been commenced. It is not right time to opine that trial will be delayed in future.

Considering the materials in the case diary, strong incriminating materials against the present petitioner and *prima facie* complicity of the present petitioner in the alleged offence, we are not inclined to allow the bail application and the same stands rejected.

The application for bail being CRM No.5256 of 2021 is, dismissed.

At the same time we direct the learned Trial Court to expedite and conclude the trial preferably within a period of eight months.

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.)

