

19.07.2022
Sl. No.11
akd
[Rejected]

C. R. M. (DB) 2209 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 04.07.2022 in connection with Raiganj Police Station Case No. 379 of 2009 dated 28.11.2009 under Sections 302/201/34/364/120B of the Indian Penal Code.

And

In Re: **Viki Saha**

... .. Petitioner

Mr. Arindam Sen
Ms. Rinku Sen
Mr. Sagnik Bhattacharya
Md. Sahinurzaman

... .. for the petitioner

Mr. Neguive Ahmed .. Id. Addl. Public Prosecutor
Ms. Trina Mitra

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for over nine years. It is further submitted there is inordinate delay in the trial of the case.

Report is placed on record on behalf of the State. It appears from the report that one of the co-accused viz. Biplab Chhetri was granted bail on 17.05.2010. Thereafter, he absconded which resulted in delay. Finally, he was arrested and trial commenced. Delay was also due to adjournments sought for on behalf of the defence and the intervening pandemic conditions.

On merits, we note statements of witnesses show petitioner and others dragged the victim who was subsequently shot and killed. There are ample materials connecting the petitioner with the murder. On the issue of delay which is considerable, we are constrained to observe there is substantial contribution on behalf of the accused persons one of whom had absconded. Trial has progressed considerably and recording of prosecution evidence is almost complete. In view of the gravity of the

offence and apportioning the delay between the parties *inter se*, we are of the opinion petitioner does not deserve to be released on bail at this stage.

The application for bail is thus **rejected**.

However, in view of the protracted period of undertrial detention, we direct the trial court to take prompt steps for conclusion of the trial as expeditiously as possible preferably within three months from the next date fixed for recording evidence without granting unnecessary adjournments to either of the parties.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)