

16.03.2022

Court No.32

rpan /92

C.R.M. 6553 of 2021

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection Nayaghrum Police Station Case no.78 of 2017 dated 10.08.2017 under Sections 498A/302/304B/34 of the Indian Penal Code and Sections 3/4 of the D. P. Act;

And

In Re : **Sk. Afazuddin @ Sk Gundi @ Gundi**
- Petitioner.

Mr. Md. Sarwar Jahan,
Mr. Maidul Islam Kayal
... for the petitioner.

Mr. Saswata Gopal Mukherjee, Ld. P.P.,
Mr. Partha Pratim Das,
Ms. Manasi Roy
... for the State.

Mr. Kayal, learned advocate appearing for the petitioner submits that there had been no progress in the trial subsequent to 11th December, 2020 when the petitioner's earlier prayer for bail was refused. The petitioner is languishing in custody for about four years and six months and there is no possibility towards conclusion of the trial in the near future. He further submits that though charges were framed way back on 10th July, 2018, no witness has been examined till date. In such circumstances, he submits that the petitioner may be enlarged on bail on any stringent condition.

Mr. Das, learned advocate appearing for the State, however, 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.

Records reveal that the petitioner's prayer for bail was earlier rejected on 11th December, 2020 with an observation that – '*Under such circumstances and as delay in the present case cannot be attributed to the prosecution, we are not inclined to grant bail to the petitioner*'.

For the pandemics since the year 2020 regular functioning of the court was affected and as such, it cannot be said that delay is attributable to the State. In view thereof, the petitioner's prayer for bail is refused at this stage.

Answering our query, Mr. Das submits that there are 14 witnesses and next date has been fixed on 23rd March, 2022 for evidence.

In view thereof, the learned court below is directed to take expeditious steps towards conclusion of the trial without granting any unnecessary adjournment to either of the parties 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, preferably within a period of eight months from the date of communication of this order.

With the aforesaid observations, the application for bail, being CRM 6553 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.)