

09.02.2022
Court No.32
Item No. 274
Avijit Mitra

C.R.M. 6724 of 2021

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : Radhya @ Radhya Gupta

Petitioner

Mr. Sabyasachi Mukherjee

For the Petitioner

Mr. Binay Panda,
Ms. Puspita Saha

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Mathurapur Police Station Case No. 74 of 2017 dated 12.04.2017 under sections 363/365/370/376 and 419 of the Indian Penal Code.

Mr. Mukherjee, learned advocate appearing for the petitioner submits that the petitioner is languishing in custody for more than 4 years 3 months and 20 days. Out 23 witnesses only 3 witnesses had been examined and as such, there is no possibility towards conclusion of the trial in the near future.

He further submits that the petitioner approached this Court earlier and by an order dated 27th November, 2019 his prayer was rejected. Considering the protracted period of detention suffered by the petitioner, the learned Trial Court was requested to expedite the trial and to conclude the same at an early date. In spite of such direction there had been no substantial progress in

the trial. In the said conspectus, the petitioner may be enlarged on bail on any stringent condition.

Mr. Panda, learned advocate appearing for the State, upon instruction, 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 pandemics. Let the report, as produced, be kept on record.

Heard the learned advocates appearing for the parties and considered the materials in the case diary.

From the report, as produced, it appears that trial has already commenced and the cross-examination of the victim girl has been fixed on 14th March, 2022. Considering the nature and gravity of the offence and when the allegations relate to trafficking of woman for sexual exploitation by an organized racket, we are not inclined to exercise any discretion in favour of the petitioner, moreso when, *prima facie*, the possibility that the petitioner may wield influence over the witnesses cannot be totally ruled out. As such, his prayer for bail is refused at this stage.

Mr. Mukherjee, learned advocate for the petitioner has, however, expressed his anguish and inconvenience, as regards the delay in progress of the trial. We take notice of such issue and direct the learned Court below to expeditiously conduct the trial, without granting any unnecessary adjournment to either of the parties and, if necessary, upon resorting to the steps available under section 309 of the Code of Criminal Procedure so that logical conclusion of the case may be reached at the earliest.

The application for bail, being CRM No.6724 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)