

23.02.2022
Court No.32
Item No. 202
Avijit Mitra

C.R.M.7023 of 2021

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

And

In Re : Somnath Dutta

Petitioner

Mr. Sayan De,
Mr. Sayan Kanjilal,
Mr. Koustav Shome

For the Petitioner

Mr. Madhusudan Sur,
Mr. Dipankar Paramanick

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Ranaghat Police Station Case No.368 of 2018 dated 19.10.2018 under sections 363/365 of the Indian Penal code added Section 376(2)(i)(I) of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012 with added Sections 372/373 of the Indian Penal Code.

Mr. De, learned advocate appearing for the petitioner submits that against the petitioner only charge under Section 372 of the Indian Penal Code has been framed as would be explicit from the order dated 27th June, 2019 passed by the learned Court below. Let a copy, as produced, be kept on record.

According to Mr. De, maximum punishment under Section 372 of Indian Penal Code is 10 years and the petitioner has already suffered incarceration for about 3 years 5 months. Even after the last rejection of the petitioner's prayer by a Coordinate Bench of this Court on 14th February, 2020, there had been no progress in the

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

Mr. Sur, learned advocate appearing for the State, however, submits that the offence is grave and serious and there is direct involvement of the petitioner. The trial has already commenced and the first witness has been examined. Answering our query he submits that in total there are 12 witnesses.

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

Prima facie, there are strong incriminating materials against the petitioner as regards the offence, which is grave and serious involving trafficking of women for sexual exploitation. The petitioner's prayer was last rejected on 14th February, 2020 and immediately thereafter the pandemics intervened and as such, the delay is not totally attributable to the State. In view thereof, we are not inclined to exercise any discretion in favour of the petitioner and the prayer for bail is refused, at this stage.

However, this Court directs the learned Court below to expeditiously conduct the trial and if necessary, upon resorting to steps available under Section 309 of the Code so that logical conclusion of the case may be reached at the earliest preferably within a period of eight months from the date of the communication of this Court.

The application for bail, being CRM No.7023 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)

