

CRM No.8110 of 2021

Via video conference

09.02.22

(S.R.)

Sl.286

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Belur GRPS** Police Station Case No.10 of 2014 dated 12/06/2014 under Section 376(F) of the Indian Penal Code and Sections 7 and 8 of the POCSO Act;

And

In re: Md. Ezaj @ Azaj

... petitioner.

Mr. Soumya Basu Roy Chowdhuri

... for the petitioner.

Mr. Bidyut Kr. Roy

Miss. Rita Datta

...for the State.

Mr. Basu Roy Chowdhuri, learned advocate appearing for the petitioner submits that the petitioner is languishing in custody for more than 7 years 7 months and there is no possibility towards early conclusion of the trial. In view thereof, the petitioner may be enlarged on bail on any stringent condition.

Miss. Datta, learned advocate appearing for the State submits that 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.

Placing reliance upon a report, she submits that out of 22 witnesses 21 witnesses have been examined and the cross-examination of the investigating officer is fixed on 14th February, 2022. Let the report, as produced, be kept on record.

Heard the learned advocates and considered the materials in the case diary. Considering the seriousness of the offence, the extent of complicity of the petitioner in the said offence and the present stage of the proceeding, we are not inclined to exercise any discretion in his favour. As such, his prayer for bail is refused at this stage.

However, the learned court below is requested to conclude the trial, without granting any unnecessary adjournment to either of the parties, within a period of four months from the date of communication of this order.

The application for bail being CRM No.8110 of 2021 is, accordingly, 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.)