

CRM 8172 of 2021
(via video conference)

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

And

In Re : Abir Das @ Bitan Das

.....Petitioner

Ms. Minoti Gomes

.....for the Petitioner

Mr. Ranabir Roy Chowdhury

Mr. Mainak Gupta

.....for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Pukhuria P.S. Case No. 06/2021 dated 08.01.2021 under Sections 364A/302/201/34 of the Indian Penal Code.

Ms. Gomes, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated and he is languishing in custody for about 360 days and there had been no progress in the trial since the date of last rejection of the petitioner's prayer for bail on 6th August, 2021. Upon completion of investigation, charge-sheet has already been submitted and as such, the petitioner may be enlarged on bail on any stringent condition.

Mr. Roy Chowdhury, learned advocate appearing for the State opposes the petitioner's prayer and submits that a threat

letter was issued to the victim by the petitioner and upon examining of the same, the handwriting expert has reported that the contents of the said letter tally with the petitioner's hand-writing. A supplementary charge sheet has also been submitted along with the said report. In view of the incriminating materials on record, the petitioner is not entitled to relief as prayed for.

We have heard learned advocates and considered the materials in the case diary.

Prima facie, there are incriminating materials on record which reveal the involvement of the petitioner in the alleged offence. Considering the severity of the offence and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in his favour, moreso when there had been no substantial change in the circumstances subsequent to last rejection of the petitioner's prayer for bail on 6th August, 2021. As such, the petitioner's prayer is refused at this stage.

As the charge sheet and the supplementary charge sheet have been submitted, the learned Court below is directed to consider the charges on the next date without granting any unnecessary adjournment to either of the parties and to expedite the trial, if charges are framed.

With the above observations and directions, the application CRM 8172 of 2021 is disposed of.

Needless to observe, the observations made in the present order are only for the purpose of bail and would not affect the trial in any manner.

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.)