

03.01.2022
Court No.32
rpan /44

CRM 8188 of 2021

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

And

In Re : **Chhoton Halder**

- Petitioner

-

Mr. Debabrata Mondal (through v.c.)

... for the Petitioner

Mr. P. K. Datta,

Mr. Santanu Deb Roy

... for the State

Mr. Siddharth Chowdhury,

Mr. Debangan Bhattacharjee, (through v.c.),

Ms. Swarnali Saha,

Mr. S. Middya

... for the *de facto* complainant

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Baruipur Police Station Case No. 2262 of 2020 dated 09.11.2020 under Sections 302/201/34 of the Indian Penal Code.

Mr. Mondal, learned advocate appearing for the petitioner submits that the petitioner is languishing in custody for about 402 days and there is no possibility towards conclusion of the trial in the near future. The petitioner has been falsely implicated and the entire case is based on circumstantial evidence. In the said conspectus, the petitioner may be enlarged on bail on any stringent condition.

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

prayer was last rejected on 4th August, 2021 and there had been no substantial change in the circumstances thereafter. He further submits that there are incriminating materials on record against the petitioner and as such, he is not entitled to the relief as prayed for.

Mr. Bhattacharjee, learned advocate enters appearance on behalf of the *de facto* complainant and opposes the petitioner's prayer.

Having heard the learned advocates and considering the materials in the case diary, the seizure list, the statements of the witnesses, as recorded under Section 161 of the Code, 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, more so when, there has been no substantial change in the circumstances subsequent to last rejection of the petitioner's prayer for bail on 4th August, 2021. As such, his prayer for bail is rejected at this stage.

Accordingly, the application for bail, being CRM No. 8188 of 2021, is dismissed.

However, the learned court below is directed to expedite the trial and to conclude the same as early as possible without granting any unnecessary adjournments to either of the parties.

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.)