

16.03.2022
Sl. 39
Court No.29
suvayan
(Rejected)

CRM 8403 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Manikchak** P.S. case No. **253/2019** dated **16/07/2019** under Sections **498A/304B/302/201/120B** of the Indian Penal Code, 1860.
And

In the matter of: Biki Soni @ Bikash @ Bikash Soni
....petitioner.

Mr. Sekhar Kumar Basu, Sr. Adv.
Mr. Soubhik Mitter
Ms. Rajnandini Das
... for the petitioner.

Mr. Saswata Gopal Mukherjee, Ld. PP
Mr. Partha Pratim Das
Ms. Manasi Roy
...for the State.

Report as called for by the order dated March 7, 2022 filed
in Court be taken on record.

It appears from such report that, the last date for the purpose of recording evidence, the members of the local Bar observed not to attend the Court and, therefore, no further progress at the trial could be made.

Learned Senior Advocate appearing for the petitioner submits that the petitioner is in custody of 975 days. Out of 28 prosecution witnesses, 8 were examined. He draws the attention of the Court to the last order of rejection dated September 24, 2021 and submits that the Court directed that an endeavor should be made to dispose of the trial within the month of April 2022. It is unlikely that the case will be disposed of in the month of April 2022 at the present rate of progress of the trial.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary.

The last order of rejection for the prayer for bail was made on September 24, 2021 where it was directed that the trial Court

should fix the date following the mandate under Section 309 of the Criminal Procedure Code and endeavor to dispose of the case within the month of April 2022. Out of 28 prosecution witnesses, 8 were examined.

The Court cannot be oblivious of the impact of the ongoing pandemic in the functioning of the Court. The propensity of the members of the Bar to adopt resolutions of not to attend the Court on various dates also cannot be overlooked. They impact the progress of the trial adversely.

In the facts of the present case, there is no material before the Court to arrive at a conclusive finding that the prosecution was indolent.

In such circumstances, it would be appropriate to request the trial Court to fix consecutive dates for the trial and endeavor to adhere to the same. The trial Court is requested not to grant any unnecessary adjournments to any of the parties.

Considering the fact that there is hardly any material change in circumstances subsequent to the earlier order of rejection, we are unable to grant bail to the petitioner.

The application for bail, being CRM 8403 of 2021, is rejected.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

