

14.03.2022
Court No.32
Item No. 07
Avijit Mitra

C.R.M. No.8488 of 2021

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

And

In Re : Gopal Maity

Petitioner

Mr. P.K. Bhattacharya

For the petitioner

Mr. Neguive Ahmed,
Ms. Amita Gaur

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Bowbazar Police Station Case No.191 of 2020 dated 19.05.2020 under sections 302/34 of the Indian Penal Code.

Mr. Bhattacharya, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. No specific overt act has been attributed to the petitioner. Upon completion of investigation chargesheet has already been submitted and as such, further detention of the petitioner, who is in custody since 19th May, 2021, may not be necessary since he is suffering from severe ailments.

Mr. Ahmed, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the witnesses including eye-witnesses as recorded under Sections 161 and 164 of the Code. He further submits that the petitioner was identified in the Test Identification parade and was directly

involved in the alleged offence. Pursuant to the earlier direction, he has placed before us a report of the Senior Medical Officer of the Presidency Correctional Home. Let the same be kept on record.

It appears from the medical report that steps have been taken towards his treatment and his health status is being monitored by the authorities. Considering the gravity of the offence, its ramifications and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in his favour. As such, his prayer for bail is refused at this stage.

Answering our query Mr. Ahmed submits that charges have already been framed. In view thereof, we direct the learned Court below to expeditiously conduct the trial, without granting any unnecessary adjournment to either of the parties and, if necessary, upon resorting to the steps available under section 309 of the Code of Criminal Procedure so that logical conclusion of the case may be reached at the earliest preferably within a period of eight months from the date of communication of this order.

The Superintendent of the concerned Correctional Home is also directed to continue the treatment of the petitioner and to monitor his health status.

Accordingly, the application for bail, being CRM No.8488 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)

