

21.02.2022

Court No.32
rpan / **02**
SM, J.

C.R.M. 8547 of 2021

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

And

In Re.: **Rahul Dey** *alias* **Suman Dey**
- Petitioner

Mr. Chittapriya Ghosh,
Ms. Priyanka Saha
... for the Petitioner.

Mr. S. S. Imam,
Mr. R. Jana
... for the State.

The present application has been preferred by the petitioner in connection with Kolaghat Police Station Case No.170 of 2017 dated 30.04.2017 under Sections 363/365/366 of the Indian Penal Code, 1860, praying for bail.

Mr. Ghosh, learned lawyer for the petitioner submitted that the petitioner was granted bail but subsequently he was arrested as he could not appear before the learned court below. Since then he is in custody for about two years eight months. However, he admitted that the trial is in progress and almost eight witnesses have been examined. He prayed for bail alternatively a direction to the learned court below to expedite the trial, in case bail is refused.

Mr. Jana, learned lawyer appearing for the State submitted that originally liberty granted to the petitioner was abused and he further submitted that trial is in progress. According to him, eight

witnesses are examined and three witnesses are yet to be examined. He strongly opposed the bail application.

We have heard the rival submissions and perused the C.D. The present petitioner abused the liberty granted to him. At present the trial is in advanced stage and most of the witnesses have been examined. Earlier, liberty granted to the petitioner, was abused by him as he jumped bail, or failed to appear before the court, as the case may be. If this conduct is repeated, trial of the case, which is in advanced stage, may be delayed. Therefore, we are not inclined to allow bail, as the petitioner's conduct does not warrant so. Accordingly, the bail application stands rejected at this stage.

Trial Court is directed to expedite the trial and conclude the same preferably within a period of three months from the date of receipt of the order.

Learned Registrar (L & OM) is directed to communicate this order to the learned court below immediately.

The application for bail, being CRM 8547 of 2021 is dismissed.

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.)