

CRM No.8622 of 2021

Via video conference

03.02.22

(S.R.)

Sl.23

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Canning** Police Station Case No.144 of 2017 dated 17/03/2017 under Sections 363/366/372/376/120B of the Indian Penal Code adding Section 4 of POCSO Act and also Section 04 of Immoral Trafficking Act;

And

In re: Maidul Sk.

... petitioner.

Mr. Anil Kumar Chattopadhyay

... for the petitioner.

Mr. Saswata Gopal Mukherji

Mr. Partha Pratim Das

Mrs. Manasi Roy

...for the State.

Mr. Chattopadhyay, learned advocate appearing for the petitioner submits that the petitioner is languishing in custody since 23rd July, 2017. There had been no progress in the trial and there is also no possibility towards conclusion of the trial in the near future. In the said conspectus, the petitioner may be enlarged on bail on any stringent condition.

Mr. Das, learned advocate appearing for the State opposes the petitioner's prayer and submits that the delay, which had occurred, is not totally attributable to the State. Three accused persons are still absconding and date for proclamation and attachment has been fixed on 9th February, 2022. He further submits that there are strong incriminating materials on record against the petitioner.

Heard the learned advocates and considered the materials in the case diary.

There are materials in the case diary, which clearly indicate the involvement of the petitioner in the alleged offence. 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

discretion in favour of the petitioner at this stage, more so when there had been no substantial change in the facts and circumstances of the case subsequent to earlier rejection of the petitioner's prayer on 4th August, 2021. As such, the petitioner's prayer for bail is refused at this stage.

The application for bail being CRM No.8622 of 2021 is, accordingly, 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.)