

CRM No.8636 of 2021

Via video conference

02.03.22

(S.R.)

Sl.204

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Santipur** Police Station Case No.433 of 2020 dated 01/10/2020 under Section 302 of the Indian Penal Code;

And

In re: Tapas Biswas

... petitioner.

Mr. Sekhar Kumar Basu, Sr. Adv.

Mr. Diptangshu Basu

... for the petitioner.

Mr. Neguive Ahmed, Ld. APP

Ms. Trina Mitra

...for the State.

Mr. Basu, learned senior advocate appearing for the petitioner submits that the petitioner's prayer for bail was earlier rejected on 2nd June, 2021 by a Coordinate Bench of this Court with a direction upon the learned Court below to take steps towards conclusion of the trial as expeditiously as possible. However, there had been no progress in the trial. In the said conspectus and as the petitioner is languishing in custody for more than 516 days, he may be enlarged on bail on any stringent condition.

Mr. Ahmed, learned Additional Public Prosecutor appearing for the State opposes the petitioner's prayer and submits that there are strong incriminating materials on record against the petitioner and delay, if any, is not totally attributable to the State.

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

Prima facie, there are strong incriminating materials on record against the petitioner. There had been no substantial change in the circumstances subsequent to rejection of the petitioner's earlier prayer for bail. In view of the pandemics, normal functioning of the Court

below was also disturbed. In view thereof, the petitioner's prayer for bail is refused at this stage.

However, we have been informed that the date for evidence has been fixed on 5th March, 2022 and in total there are fifteen witnesses. We direct the learned court below to expeditiously conduct the trial 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.

With the above observations and directions, the application for bail being CRM No.8636 of 2021 is, accordingly, 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.)