

CRM 9049 of 2021
(via video conference)

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

And

In Re : Rajesh Ram @ Rajesh Kumar Ram

.....Petitioner

**Mr. Manoj Tandon,
Mr. Biswajit Tiwari,
Mr. Sk. Salim**

.....for the Petitioner

**Mr. Saibal Bapuli, Ld. APP
Mr. Soumik Ganguli**

.....for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Asansol P.S. Case No. 75/2020 dated 19.02.2020 under Sections 395/397/412 of the Indian Penal Code read with Sections 25/27 of the Arms Act.

Mr. Tandon, learned advocate appearing for the petitioner submits that the petitioner is languishing in custody for about 748 days. Trial has not yet been commenced and as such, there is no possibility towards completion of the trial in the near future. The petitioner has been falsely implicated and in the said conspectus, further detention of the petitioner may not be necessary and he may be enlarged on bail on any stringent condition.

Mr. Bapuli, learned Additional Public Prosecutor appearing for the State, however, opposes the petitioner's prayer and submits that there had been no change in the circumstances,

subsequent to rejection of the petitioner's prayer on 18th November, 2020.

He further submits that the delay which has occurred is also not totally attributable to the State. Furthermore, the period of delay stands intervened by a period lost due to the pandemics.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

The petitioner's prayer was last rejected on 18th November, 2020. Subsequent thereto, a substantial period was lost due to the prevailing pandemic situation and at the said juncture functioning of the Court below was also irregular. As such, the delay is not totally attributable to the State.

Considering the nature of accusations, the gravity of the offence and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in his favour and his prayer for bail is refused at this stage.

The application being CRM 9049 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.)