

23.09.2022
Sl. No.12
akd
[Rejected]

C. R. M. (DB) 3169 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 08.09.2022 in connection with Sheoraphuli G.R.P.S. Case No. 18 of 2018 dated 19.06.2018 under Sections 302/34 of the Indian Penal Code.

And

In Re: ***Raju Das***

... .. Petitioner

Mr. Subrata Santra

... .. for the petitioner

Mr. Madhusudan Sur .. Id. Addl. Public Prosecutor

Mr. Dipankar Pramanick

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than four years. It is further submitted there is inordinate delay in the trial of the case.

Learned Additional Public Prosecutor submits report with regard to the status of the proceeding and reasons for delay.

We have considered the materials on record. It appears trial had already commenced and one witness was examined in part in January, 2020. Thereafter, due to pandemic conditions trial could not be held in 2020-2021. In November, 2021, as accuseds were not represented, DLSA was directed to appoint defence counsel. Upon appointment of defence counsel, examination of witnesses commenced from May, 2022. Date has been fixed for examination of witnesses on 26.09.2022.

On merits, materials on record show petitioner has been identified during Test Identification parade. Under such circumstances, we are not inclined to grant bail to the petitioner on merits at this stage.

With regard to the issue of delay, we note substantial portion of the delay was due to the pandemic conditions. However, as the

petitioner is in custody for more than four years, we direct the trial court to take all necessary steps to examine prosecution witnesses at the earliest and conclude the trial as expeditiously as possible preferably within one year from the next date fixed for recording evidence without granting unnecessary adjournments to either of the parties.

With these observations, the application for bail is **rejected**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)