

10.05.2022
Item no.32
Court No.01
Avijit Mitra

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

CRM (DB) 145 of 2022

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

And

In Re : Tutul Sarkar @ Litoan Sarkar

.... petitioner

Mr. Sudip Guha

....for the petitioner

Mr. Arun Kumar Sarkar,

Mr. Sourav Ganguly

..... for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred in connection with Dinhata Police Station Case No.300 of 2021 dated 03.06.2021 under Sections 365/306 of the Indian Penal Code read with Sections 302/201 of the Indian Penal Code.

Mr. Guha, learned advocate appearing for the petitioner submits that the petitioner has already suffered long incarceration for about 340 days and there had been no progress whatsoever subsequent to rejection of the petitioner's earlier prayer for bail on 4th January, 2022. In view thereof, the petitioner may be enlarged on bail on any stringent condition.

Mr. Ganguly, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary. He further submits that there has been no substantial change subsequent to rejection of petitioner's earlier prayer for bail on 4th January, 2022.

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

Prima facie, we find strong incriminating materials against the petitioner and we also do not find any substantial change in the facts and circumstances of the present case subsequent to rejection of earlier prayer for bail on 4th January, 2022. In view thereof, we are not inclined to exercise any discretion in his favour and as such, his prayer for bail is refused, at this stage.

However, the learned Court below is directed to frame the charges as expeditiously as possible without granting any unnecessary adjournments to either of the parties. It is also directed that in the event the charges are framed the learned Court shall 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 year without granting any unnecessary adjournment to either of the parties as it appears that there are 19 witnesses.

The application for bail CRM (DB) 145 of 2022 is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Ajoy Kumar Mukherjee, J.) (Tapabrata Chakraborty, J.)

