

19.07.2023.
21.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 2855 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sagar P. S. Case No.57 of 2016 dated 29.03.2016 under Sections 363/376(D)/306/102B/34 of the Indian Penal Code and Sections 4 & 5(g) of the POCSO Act

In the matter of : Subhojit Pradhan @ Subhajit Pradhan.
... Petitioner.

Mr. Ayan Basu,
Mr. Sandip Kr. Mondal,
Mr. Sourav Bera,
Mr. Sumit Routh.

...for the Petitioner.

Ms. Zareen N. Khan,
Mr. Ashok Das.

...for the State.

Petitioner is in custody for seven years. He submits there is delay in trial. He renews his bail prayer.

Learned Advocate for the State opposes the bail prayer. He submits trial is in progress. Petitioner is charged with rape and murder of the victim.

We have considered the materials on record. Charges are very grave and would attract mandatory life imprisonment, if proved. Bail prayer of the petitioner was rejected earlier. While rejecting the bail prayer of the co-accused in June, 2022, this Court directed trial to be concluded within one year from the next date fixed for recording evidence. For the reasons best known to the petitioner, the order was not communicated to

the trial court. However, the trial has progressed in the meantime.

Under such circumstances, we are not inclined to take cognizance on the ground of delay and do not wish to consider it prudent to enlarge the petitioner on bail.

Accordingly, the prayer for bail of the petitioner is rejected.

Trial court is directed to expedite the trial and conclude the same at an early date without granting unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)