

31.05.2021  
Ct.30  
Sl.4  
KS

**(Via Video Conference)**  
**C.R.M. 11214 of 2020**  
**Dr. Dilip Ghosh @ Dilip Kumar Ghosh**  
**-Vs.-**  
**The State of West Bengal**

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

Mr. Sabyasachi Banerjee  
..... For the Petitioner

Mr. Saswata Gopal Mukherjee  
Mr. Madhusudan Sur  
Mr. Dipankar Paramanick  
.....For the State

The petitioner is incarcerated in jail for a considerable period of time facing trial in connection with the case under reference which is undoubtedly heinous crime in the sense that he was running the nursing home wherein he was doing trade in new born babies for monetary gain. The petitioner has renewed his prayer for bail fourth time. Bearing in mind the seriousness and gravity of the offence alleged, the Coordinate Bench of this Hon'ble Court rejected his prayer thrice. We do not find any new development. However, as per the direction embodied by Coordinate Bench of this Hon'ble Court on 04.12.2017, the Trial Court undertook expeditious trial by taking evidence of as many as 25 witnesses as of now by following the mandate as provided under Section

309 of the Code of Criminal Procedure. It is true that the direction was given for expeditious disposal and conclusion of the trial preferably within a period of one year from the date of communication of the order, but, in view of the Pandemic situation due to Covid – 19, the Trial Court, perhaps, could not conclude the trial. However, it is pointed out by Mr. Mukherjee, learned counsel for the State that only three witnesses are required to be examined to conclude the trial.

Having regard to the prevailing pandemic situation due to Covid-19, it would not be desired by this Court to direct the Trial Court to expedite the trial at once, however, the learned Trial Court would conclude the trial by delivery of judgment preferably within a period of six months since, the petitioner is languishing in jail for a longer period facing trial.

Be that as it may, we are not inclined to release the accused/petitioner on bail bearing in mind the gravity and the punishment prescribed in such offences, thus, the prayer for bail is, rejected.

Thus, C.R.M. 11214 of 2020 stands disposed of.

**(Aniruddha Roy, J.)**

**(Shivakant Prasad, J.)**