

C.R.M. 9129 of 2020
(Via Video Conference)

In Re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Taherpur Police Station Case No. 210 of 2019 dated 08.09.2019 under Sections 302/120B of the Indian Penal Code.

Krisan Mondal @ Krishna Mondal @ Krishna
 Versus
 State of West Bengal

Ms. Minoti Gomes, Adv.
 Mr. Partha Sararathi Das, Adv.

...for the petitioner.

Mr. Madhusudan Sur, Adv.
 Mr. Manoranjan Mahata, Adv.

...for the State.

The petitioner undertakes to affirm and stamp the petition/application as per the Rules within 48 hours of resumption of normal functioning of the Court. The petition is taken up through videoconference on the basis of such undertaking.

It is submitted on behalf of the petitioner that the petitioner is in custody for more than 308 days. The learned Counsel for the petitioner has very fairly submitted that a coordinate Bench rejected the application for bail on 22nd June, 2020 in CRM 4259 of 2020. He, however, submits that this application is filed on the basis of the orders passed in respect of three co-accused persons by the coordinate Benches between 22nd January, 2020 and 11th March, 2020.

It is a fact that the petitioner was not named in the FIR nor by the deceased in his dying declaration. However, a coordinate Bench has as late as in June, 2020 upon consideration of the earlier three orders by which the co-accused persons have been granted bail prima facie accepting the submission of Mr. Neugive Ahmed, learned Additional Public Prosecutor appearing on behalf of the State that the petitioner is the prime accused and, in fact, he has executed the offence. The coordinate Bench observed that the materials available on record suggest the complicity of the petitioner in the alleged offence and

accordingly declined to release the petitioner on bail.

Judicial discipline and decorum commands that a coordinate Bench should respect the earlier views expressed by another co-ordinate Bench, more so, when there is no change of circumstances. Taking a contrary view would lead to judicial impropriety and indiscipline.

On such consideration, we are not inclined to grant bail to the petitioner at this stage. However, we direct the trial court to initiate the committal process and all incidental steps that are required to take the trial to its logical conclusion as expeditiously as possible. The trial court shall make a timeframe for this and shall strictly adhere to such timeframe. The trial court shall not grant any unnecessary adjournment to either of the parties.

The application for bail is, thus, rejected.

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)