

25.11.2020
Item No.27
Ct.No.11
dc.

C.R.M. 9224 of 2020
C.R.A.N. 1 of 2020
(Through Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure in connection with S.T. 01(02)18 of 2018, S.SL.No.219 of 2016 (CIS Regn.No.153/2017) arising out of Khargram P.S. Case No. 312 of 2016 dated 06.07.2016 and charge-sheeted under Sections 302/34 of the Indian Penal Code and Sections 25/27 of Arms Act.

And

In the matter of : Ajimul Mondal @ Humayun Kabir
... Petitioner.

Mr. Dip Jyoti Chakraborty ... For the Petitioner.

Mr. Neguive Ahmed,
Ms. Amita Gaur ... For the State.

Mr. Soumyajit Das Mahapatra
... For the de facto complainant.

The petitioner undertakes to affirm and stamp the petition/application as per Rules within a month of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conferencing.

The application being CRAN 1 of 2020 is, accordingly, disposed of.

There are chequered cases, more chequered cases and cases which are so chequered that they belie belief.

This application for bail and the series of applications for obtaining bail moved by this petitioner through the self-same learned advocate-on-record is one such case. The petitioner attempts to obtain bail by filing one application after another and for withdrawal of this application at the spur when the matter is taken up for hearing. The conduct of the petitioner may be best illustrated through a list of dates :

CRM No. 9967 of 2019	Rejected on 05.01.2020.
CRM No. 8858 of 2020	Rejected on 05.11.2020.
CRM No. 8941 of 2020	Rejected on 24.11.2020.

The fourth in the series is the present CRM 9224 of 2020.

The petitioner is represented by Mr. Dip Jyoti Chakraborty, learned advocate, standing in for the learned advocate-on-record, Mr. Joy Chakraborty.

This Court is informed that the learned advocate-on-record is not present today.

Per contra, Mr. Mahapatra, learned counsel appearing for the *de facto* complainant, vehemently opposes the procedure and practice adopted by the petitioner as narrated above and takes the stand, which this Court does not find persuasive, that due to the continuous filing of applications for bail by the petitioner, the learned Trial Court is being

prevented from proceeding with the trial. It is added that none of the orders of rejection or, withdrawal claimed by the petitioner today, carry any whisper connected to the carriage of the proceedings before the learned Trial Court.

Mr. Ahmed, learned State counsel, points out that the trial is nearing conclusion.

Since the petitioner is recognised in law to be the *dominus litus* and wants to withdraw the present bail application, this Court does not intend to stand in the way excepting to emphasise the facts recorded above to speak for themselves.

This Court makes the further clear observation that the pendency of any bail application filed on behalf of the petitioner shall not stand in the way of the learned Trial Court from continuing and concluding the trial not later than four months from this date, subject to its board and without granting unnecessary adjournments to any of the parties.

Let a copy of this order be made part of the case diary for ready future reference.

Registry to communicate this order to the Learned Trial Court.

CRM 9224 of 2020 stands thus **dismissed as not pressed.**

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with the necessary formalities.

(Tirthankar Ghosh, J.)

(Subrata Talukdar, J.)