

08.12.2020.  
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as  
(Rejected)

**C.R.M. 9974 of 2020**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Tamluk P.S. Case No.327 of 2017 dated 04.07.2017 under Sections 395/397/412 of the Indian Penal Code and Sections 25/27 of the Arms Act.

In the matter of : Mohan Shee.

... Petitioner.

Mr. Arka Banerjee.

...for the Petitioner.

Mr. Saswata Gopal Mukherjee, Id. P.P.,  
Mr. Madhusudan Sur, Id. A.P.P.,  
Mr. D. Paramanik.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

It is submitted on behalf of the petitioner that he is in custody for over three years. He submits that there is little progress in the trial of the case. Co-accused Prasenjit Samanta @ Tiklu has been enlarged on bail by a Co-ordinate Bench of this Court.

Learned Advocate appearing for the State opposes the prayer for bail and submits that the petitioner was the driver of the vehicle which was used to commit the dacoity.

We have considered the materials on record. In view of the predominant role of the petitioner in the alleged dacoity, we are of the view that he does not stand on the same footing with Prasenjit Samanta @ Tiklu who has been enlarged on bail. That

apart, as the prayer for bail of the petitioner was turned down earlier, we are not inclined to grant bail to the petitioner.

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

However, we request the trial court to conduct the trial as expeditiously as possible and conclude the same preferably within one year from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

**(Suvra Ghosh,J.)**

**(Joymalya Bagchi, J.)**