

11.01.2021
Court No.28
rpan / 15

**C.R.M. 75 of 2021
(Via Video Conference)**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Bandel G.R.P.S. Case No. 30 of 2019 dated 29.06.2019 under sections 302/201/34/120B of the Indian Penal Code and Sections 25/27 of the Arms Act.

And

In Re : **Mangal Yadav**

.....Petitioner

Mr. Ayan Bhattacharya,
Mr. Kunal Ganguly

....For the Petitioner.

Mr. S. G. Mukherjee, Ld. P.P.,
Mr. Madhusudan Sur,
Mr. Dipankar Pramanick

....For the State.

Mr. Bhattacharya, learned advocate appearing for the petitioner submits that the petitioner is in custody for 508 days. The learned advocate stresses more on the issue that only few of the evidence were examined though they happen to be the chance witnesses.

Mr. Mukherjee, learned Public Prosecutor appearing for the State draws the attention of this Court to the previous orders which have been passed. He further submits that date for trial has been fixed between 20th January, 2021 and 25th January, 2021.

We have found that out of thirty witnesses, so cited by the prosecution, only two witnesses have been examined and the next schedule, so fixed, referred to above, includes eight witnesses proposed to be examined. We do not find that there

has been further change of circumstances since the bail was earlier rejected by this Court. We further hold that in case, the petitioner intends to move application for bail subsequently, we are of the opinion, let the prosecution proceed by examining a few more witnesses. The learned trial court is directed to fix at least two more schedules in the month of February, 2021 so that there may be substantial progress in the trial. At this stage we are not inclined to release the petitioner on bail. As such, the bail of the petitioner is rejected.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)