

12.01.2021
Court No.28
Item No. 19
Krishnendu
Bail Rejected

**CRM 131 of 2021
(Via video Conference)**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : **Radhashyam Mondal @ Nanda**

.....Petitioner

Mr. Partha Sarathi Mondal

....For the Petitioner

Mr. Saswata Gopal Mukherjee, Id. P.P.

Mr. Aniket Mitra

.....For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Ganga Sagar Coastal Police Station Case No. 126 of 2018 dated 21.10.2018 under sections 498A/302/34 of the Indian Penal Code read with sections 3 and 4 of the Dowry Prohibition Act.

Mr. Mondal, learned advocate appearing for the petitioner submits that the prosecution did not examine any witness since February, 2019. Additionally, he submits that there are five accused persons, who have been implicated in the present case and the petitioner is the only person, who is in custody because he is the husband of the deceased. He further

submits that the marriage was solemnized nineteen years prior to the date of the incident.

Mr. Mitra, learned advocate appearing for the State opposes the prayer for bail and draws the attention of this Court to the post mortem report.

We have taken into account the materials on record and also considered the fact that the petitioner is in custody for two years three months and there has been no progress in the trial for about twenty-three months.

Having regard to the events, although we are dissatisfied with the progress of the case, at this stage we are not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner is rejected.

However, we direct the learned Trial Court to fix up at least two schedule in each month, each consisting of three dates and take the trial to its logical conclusion. The learned Trial Court will depute the Additional Superintendent of Police of the concerned area who will look after the availability of the witnesses when the dates are fixed by the Court. In case of any deviation by any person associated with the prosecution of the

case, the learned Trial Court would be at liberty to take steps, in accordance with law. All steps must be taken by the learned Trial Court so that the trial is concluded within a period of six months from date.

With the aforesaid observations, the application for bail, being CRM No. 131 of 2021, is dismissed.

(Tirthankar Ghosh, J)
Chakraborty, J)

(Tapabrata