

**14.01.2021**  
**Court No.28**  
**rpan / 25**

**C.R.M. 263 of 2021**  
**(Via Video Conference)**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with English Bazar P.S. Case No.143 of 2018 dated 19.02.2018 under Sections 395/397 (with added Sections 412/307) of the Indian Penal Code, Sections 25/27/35 of the Arms Act and Sections 3/4 of the Explosive Substances Act

And

In Re : **Santosh Mandal**

...Petitioner.

Md. Sabir Ahmed,  
Mr. Biswajit Tiwari

....for the petitioner.

Mr. Sudip Ghosh,  
Mr. Bitasok Banerjee

....for the State.

The learned advocate for the petitioner is aggrieved by the detention of the accused petitioner for two years ten months and he further submits that in spite of the charge framed on 3<sup>rd</sup> July, 2018, only three witnesses out of 56 have been examined.

Mr. Ghosh, learned advocate for the State submits that there has been recovery effected from this petitioner which connects him to the crime thickly. The learned advocate for the State additionally submits that delay was beyond the control of the prosecution as most of the adjournments were sought for by the defence and there were resolutions apart from the fact that the presiding officer was not available.

Having regard to the complicity of the present petitioner as well as the contribution of delay, we are of the opinion that it

would not be fit and proper to release the petitioner on bail at this stage till the trial progresses substantially. Accordingly, the prayer for bail of the petitioner is rejected.

The application for bail, being CRM No.263 of 2021 is disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)