

**16.03.2021**  
Item No.32  
Ct.No.28  
Subha  
**rejected**

**C.R.M. 3260 of 2020**  
**with**  
CRAN 1 of 2020(old CRAN 1629 of 2020)  
**(Via Video Conference)**

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure.

In the matter of : **Danarul Mondal @ Md. Danarul Mondal**  
... Petitioner.

Mr. Niladri Sekhar Ghosh  
Mr. Pawan Kumar Gupta

... For the Petitioner.

Mr. Saswata Gopal Mukherji, PP  
Ms. Zareen N. Khan

... For the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Domkol Police Station Case No. 1361 of 2016 dated 21.11.2016 under Sections 302/34 of the Indian Penal Code and Section 9(B) of the Indian Explosive Act.

It is submitted by the learned advocate appearing for the petitioner that despite the charge-sheet having been filed by the Investigating Officer, but till date the charges

have not been framed. However, several dates have been fixed for evidence yet it does not show any positive result of progress in this regard and, therefore, the petitioner is unnecessary languishing in jail and as such, he should be released on bail.

On the other hand, the learned advocate for the State opposes the prayer for bail of the petitioner. He submits that the next date is fixed on 26<sup>th</sup> July, 2021 for framing of charge. She further submits that the Presiding Officer of the court was not available as the same was lying vacant and now the Presiding Officer has joined and, therefore, there would not be any further delay in this regard.

Considering the gravity of the situation and the fact that a considerable time has been elapsed since the filing of the charge-sheet, we find that this is a fit case where the learned Sessions Judge should show alacrity in taking up of the matter for the purpose of framing charges. The next date has been fixed in the month of July, 2021. Even if we realize the predicament of the learned Sessions Judge who is grappling with the menace of huge pendency of the cases before the court, yet the accused cannot be forced to wait in this regard. We, therefore, request the learned Sessions Judge to prepone the dates in the presence of the prosecution as well as the defence counsel and endeavour shall be shown to frame the charges if it warrants within a

period of one month from the date of the communication of this order.

Though we appreciate the delay in framing of the charges, but that does not wipe out the complicity of the petitioner in the offence.

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

Accordingly, the application for bail being CRM 3260 of 2020 is dismissed.

In view of the dismissal of the bail application, the relevant CRAN application being CRAN 1 of 2020 (Old CRAN No. 1629 of 2020) is disposed of accordingly.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

**(Harish Tandon, J.)**

**(Tirthankar Ghosh, J.)**