

07.07.2021.
Item No.132
(Rejected)
saswata/ab

(Via Video Conference)

C.R.M. 3242 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 08.04.2021 in connection with English Bazar Police Station Case No. 143 of 2018 dated 19.02.2018 for committing offence punishable under Sections 395/397/412/307 of the Indian Penal Code read with Sections 25/27/35 of the Arms Act and Sections 3/4 of the Explosive Substances Act.

And

In the matter of : **Bulla @ Santosh Mandal**

... petitioner.

Ms. Minoti Gomes
Mr. P.S. Das

...For the petitioner.

Ms. Zareen N. Khan
Mr. Bitasok Banerjee

...For the State.

This is an application for bail in connection with English Bazar Police Station Case No. 143 of 2018 for committing offence punishable under Sections 395/397/412/307 of the Indian Penal Code read with Sections 25/27/35 of the Arms Act and Sections 3/4 of the Explosive Substances Act at the behest of the petitioner.

This is an application renewing prayer for bail after it was rejected earlier vide CRM 6507 of 2020.

Learned Advocate for the petitioner submits that petitioner has been languishing in custody for more than 3 years and 2 months and by this time, there has been no substantial progress in the trial. It is further submitted that even after rejection of the prayer for bail, there has been no improvement in the trial. The delayed progress of the trial has caused a serious prejudice to the petitioner.

Learned Advocate for the State raises objection. It is submitted that trial has shown progress with examination of one further witness and trial is getting delayed due to dilatory attitude adopted by the defence. It is further submitted by the

defence that having regard to the gravity of the offence the petitioner should not be released on bail at this stage ignoring the possibility of his abscondence.

Having considered the submissions of both sides and seeing the little progress of the trial even after rejection of the prayer for bail passed in CRM 6507 of 2020, we are not satisfied that there has been no improvement or change in the circumstances as regards the progress of the trial.

The prayer for bail is, thus, considered and rejected.

We, however, put on record the dissatisfaction expressed by the learned Advocate for the petitioner that the trial has not progressed to the extent as desired.

The learned Trial Court is directed to expedite the trial and, if necessary, take all possible steps adhering to the mandate available under Section 309 of the Code of Criminal Procedure so that the logical conclusion of the case may be reached within a reasonable period of time.

The application for bail being CRM 3242 of 2021 is ***disposed of.***

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)