

16.12.2021

Court No.32
rpan / 05

CRM 6693 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Special Task Force Police Station FIR No.16 dated 28.02.2020 [Charge sheet no.32 of 2020 dated 26.05.2020 under Sections 120B/489B/489C of the Indian Penal Code, 1860 and subsequently Sections 16/17/18 of the Unlawful Activities (Prevention) Act, 1967 added in supplementary charge sheet no.50 of 2020];

And

In Re: **Rongmei Kamein Athuan** *alias* **R. K. Athuan & Others**
- Petitioners

Mr. Sudip Kumar,
Md. Sayeed Khan

... for the Petitioners.

Mr. Saswata Gopal Mukherjee, Ld. P.P.,
Mr. Ranabir Roy Chowdhury,,
Mr. Mainak Gupta

... for the State.

Mr. Kumar, learned advocate appearing for the petitioners submits that the petitioners are languishing in custody for more than 600 days and there is no possibility towards conclusion of the trial in the near future. Drawing the attention of this Court to the earlier order passed by a coordinate Bench of this Court in a bail application, preferred by the petitioner no.3, he submits that there was a direction that the charges should be framed immediately and trial should be concluded by 30th June, 2021 and that after framing of charge, the petitioners would be at liberty to apply afresh for bail and pursuant to such liberty granted, the petitioners have approached this Court inasmuch as there had been no substantial progress in the trial.

Mr. Mukherjee, learned Public Prosecutor appearing for the State, however, submits that the delay which had occasioned, is

not at all attributable to the State. Charges have already been framed and trial could not proceed since repeated adjournments were sought for by the other co-accused persons, namely, Laishram Jinan and Isaulang Riame on a plea that revision applications are pending before this Court. In support of such contention, Mr. Mukherjee, has placed before us a report indicating the orders which have been passed on and from 18th November, 2020 till 13th December, 2021. Let the said report, as produced, be kept on record.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary as well as the report filed by the Assistant Commissioner of Police (I), Special Task Force, Kolkata Police.

Prima facie, it does not appear that the delay, which has occurred towards completion of the trial, is totally attributable to the State. It thus cannot be said that the earlier order of this Court dated 5th October, 2020 has been deliberately violated. Considering the nature of accusations, the gravity of the offence and the complicity of the petitioners, we are not inclined to exercise any discretion in their favour. As such, their prayer for bail is refused at this stage.

The learned advocate appearing for the petitioners has expressed his anguish and inconvenience as regards the delay in the progress of trial. We take notice of such issue and direct the learned court below to expeditiously conduct the trial without granting any unnecessary adjournments to either of the parties and if necessary, upon resorting to steps available under Section

309 of the Code so that logical conclusion of this case may be reached at the earliest.

With the above observations and directions, the application for bail, being CRM 6693 of 2021 is disposed of.

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

(Sugato Majumdar, J.) (Tapabrata Chakraborty, J.)