

09.02.2021

Item no.13
Court No.28
Avijit Mitra

C.R.M.8997 of 2020 (through video conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Moyna Police Station Case No.227 of 2015 dated 28.09.2015 under Sections 272/273/304(1)/120B of the Indian Penal Code and Section 46AA of Bengal Excise Act and Section 16(1A)(ii) of Prevention of Food Adulteration Act;

And

In Re : Manik Ruidas

.... petitioner

Mr. Kallol Mondal

Mr. Arund Kumar Das

....for the petitioner

Mr. Binay Panda,

Ms. Puspita Saha

..... for the State

Mr. Mondal, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. He is in custody for more than five years. Out of eight accused persons, seven have already been enlarged on bail. On one hand the petitioner has been detained and on the other hand trial has been delayed. Such protracted incarceration violates the petitioner's right to speedy trial. Drawing our attention to an order dated 28th March, 2019 passed by the learned court below, Mr. Mondal submits that the petitioner's prayer for bail was rejected only because his prayer was earlier rejected by this Court.

Mr. Panda, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to

several documents in the case diary. He also submits that the trial is at an advanced stage. Today is the date fixed before the learned court below and the recording officer has already been examined and there are only two remaining witnesses.

Records further reveal that after rejection of bail by the learned trial court on 28th March, 2019, the petitioner approached this Court and upon considering the arguments advanced on behalf of the petitioner, a Coordinate Bench of this Court was pleased to reject his application for bail being C.R.M. 4618 of 2019 on 3rd March, 2020. Thereafter normal functioning of the court below was affected due to the pandemic situation.

In the said conspectus and considering the materials in the case diary, the gravity of the offence, its ramification and the present stage of the trial, we are not inclined to enlarge the petitioner on bail.

The application for bail being C.R.M. No.8997 of 2020 is, accordingly, dismissed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)