

20.05.2021
SL No.84
Court No.28
(gc)

CRM 9781 of 2020
(Via video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Jagatballavpur Police Station Case No.125 of 2012 dated 16.07.2012 under Sections 395/396/397/412 of the Indian Penal Code & 25(1)(a)/27 of the Arms Act.

And

In the matter of : **Islam Molla**

- Petitioner

Mr. Soumya Basu Roy Chowdhuri,
... For the Petitioner.

Mr. Swapan Banerjee,
Ms. Purnima Ghosh,
... For the State.

The petitioner is languishing in jail for eight years ten months. On 13th October, 2020, an application for bail was moved by the petitioner which, however, was rejected by a Coordinate Bench on the following consideration:-

“Having considered the materials on record and bearing in mind the prima facie involvement of the petitioner in the alleged offence of dacoity with murder and as trial has substantially progressed, we are not inclined to grant bail to the petitioner at this stage.”

Subsequently, an application was filed on or about 4th December, 2020 for reconsideration of the prayer for bail in view of the Pandemic situation and tardy progress of the trial. On 24th December, 2020, a Coordinate Bench directed the Trial Court to conduct examination of the Investigating Officer and conclude the proceeding within three months from date, meaning thereby, it should have been completed on or before 24th March, 2021.

From the materials made available to us, it appears that the Trial Court fixed 18th May, 2021 to examine the accused persons under Section 313 of the Code of Criminal Procedure but due to Covid situation, the Court did not function on that date.

In view of the aforesaid, we request the learned Additional Sessions Judge, Fast Track Court – I at Howrah to conclude the trial within a period of six months from date without granting any unnecessary adjournment to either of the parties unless there are unavoidable reasons for allowing such prayer.

The application for bail is rejected at this stage.

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

(Suvra Ghosh, J.)

(Soumen Sen, J.)