

Via video conference

11.03.22

(S.R.)

Sl.12

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **English Bazar** Police Station Case No.143 of 2018 dated 19/02/2018 under Sections 395/397/412/307 of the Indian Penal Code read with Sections 25/27/35 of the Arms Act;

And

In re: Bulla @ Santosh Mandal & Anr.

... petitioners.

Mr. Prabir Majumder

Mr. S. Deb Roy

... for the petitioners.

Mr. Neguive Ahmed, APP

Ms. Trina Mitra

... for the State.

Mr. Majumder, learned lawyer appearing for the petitioners submitted that although earlier bail application of both the petitioners were rejected, considering that the petitioners are languishing in custody for more than four years and that there is no chance of immediate conclusion of the trial, the petitioners may be enlarged on bail.

Per contra, Mr. Ahmed, learned lawyer appearing for the State invited our attention to the report submitted by S.I. Kajal Banerjee of English Bazar Police Station wherein it is stated that examinations of PW 1, PW 2, PW 3, PW 4 and PW 5 are complete. On several dates there was non-cooperation on the part of the defence lawyer. According to him, even if there is a delay, that is attributable at least to a greater extent to the present petitioner. Accordingly, he strongly opposed the bail application.

We have heard rival summations. Perused the case diary. Apart from the fact that the allegation is very grave and serious and strong incriminating elements are there against the present petitioners, we found that the trial is in progress and five witnesses are examined out

of fifty-four witnesses. Delay is not attributable to the prosecution solely, as report shows that there is a non-cooperation on the part of the defence lawyer in this regard. Since, there is no change in the circumstances from the date of last rejection of the bail application, we are not inclined to allow the instant bail application and the same stands rejected.

The application for bail being CRM(DB) No.206 of 2022 is, accordingly, dismissed.

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.)