

**CRM (DB) 936 of 2022**

In re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Dholahat P.S. Case No. 56 dated 01.03.2019 under Sections 363/365 of the Indian Penal Code and adding Section 366 of the Indian Penal Code and Section 4 of the POCSO Act.

-And-

In the matter of : **Sukanta Mondal**

**... ...Petitioner**

Mr. Ayan Basu, Advocate

Mr. Sandip Kr. Mondal, Advocate

Mr. Sumit Rough, Advocate

... ... For the Petitioner

Mr. Binay Panda, Advocate

Ms. Puspita Saha, Advocate

... ... For the State

Report as called for by the order dated April 20, 2022 be taken on record.

It appears from the report that the defence Advocate was not appointed on May 12, 2022 preventing the recording of the evidence of the prosecution.

Apparently, the petitioner is in custody since March 4, 2019.

In the facts of the present case, the prosecution cannot be said to be indolent in proceeding with the trial. The defence also contributed to the delay.

In such circumstances, we are unable to grant bail to the petitioner on the ground of delay in the trial.

CRM (DB) 936 of 2022 is rejected.

**(Debangsu Basak, J.)**

**(Bibhas Ranjan De, J.)**