

CRM (DB) 1188 of 2022

In re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Jadavpur P.S. Case No. 432 of 2013 dated 18.07.2013 under Section 302/34/394 of the Indian Penal Code and charge-sheet submitted under Sections 120B/302/396 of the Indian Penal Code.

-And-

In the matter of : **Mahadev Mondal**

... ..Petitioner

Mr. Arindam Jana, Advocate

Mr. Ashis Mondal, Advocate

Mr. Prithis Bandypadhyay, Advocate

... .. For the Petitioner

Mr. Nguive Ahmed, Id. APP

Ms. Amita Gaur, Advocate

... .. For the State

Petitioner renews the prayer for bail.

Learned Advocate appearing for the petitioner submits that the petitioner is in custody in excess of 8 years 10 months. Out of 66 prosecution witnesses only 8 were examined. There is hardly any possibility of the trial concluding any time soon. Learned Advocate for the petitioner submits that two of the co-accused were granted bail.

Learned Additional Public Prosecutor submits that the prosecution is likely to examine 20 more witnesses. Large portion of the delay was result of the absence of the presiding officer. Moreover, the ongoing pandemic impacted the functioning the Court.

In such circumstances, it would be appropriate to direct the trial Court to invoke the provisions of Section 309 of the Code of Criminal Procedure, fix consecutive dates of trial and not to grant any unnecessary adjournment to any of the parties.

The petitioner was identified in the Test Identification Parade. There are materials in the case diary implicating the

petitioner. The trial is in progress, we are unable to grant bail to the petitioner.

Considering the gravity of the offence and the involvement of the petitioner therein as transpiring from the materials in the case diary and considering the fact that the trial is in progress, we are unable to grant bail to the petitioner.

CRM (DB) 1188 of 2022 is rejected.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)