

20.06.2022.
84.
Ct.No.28.
as

C.R.M. 5466 of 2021

In Re: An application for cancellation of bail.

In the matter of : Akash Kumar Shaw @ Akash Kr. Shaw.
... Petitioner.

Mr. Manjit Singh,
Mr. Gaganjyot Singh,
Mr. Biswajit Mal,
Mr. Rishav Kr. Singh.

...for the Petitioner.

Mr. Mmadhusudan Sur, Id. A.P.P.,
Mr. Aniket Mitra.

...for the State.

Mr. Prasun Mukherjee,
Mr. Kanchan Roy.

...for the O.P.

Mr. Manjit Singh, learned Advocate for the petitioner assails bail granted to opposite party No.2 vide order dated 10.8.2021. He submits petitioner had approached this Court for bail in CRM 6848 of 2020. By order dated 24.9.2020, a Co-ordinate Bench of this Court while rejecting the prayer for bail directed the trial to be concluded by 31st January, 2021 failing which trial court was directed to release the petitioner on bail. As trial did not conclude within the said time framed, consequent to such direction, opposite party no.2 was granted bail.

Mr. Singh strenuously contends trial could not proceed as the records of the case were before this Court in connection with Criminal Appeal Nos.472 of 2015 and CRA 510 of 2015 filed by co-accuseds who had been convicted in the instant case. He

further submits petitioner had absconded and was subsequently arrested. In this backdrop he prays for cancellation of bail.

Learned Advocate for the opposite party No.2 submits impugned bail order is a consequence of direction given by a Co-ordinate Bench of this Court in CRM 6848 of 2020. Delay in the matter cannot be attributed to the petitioner as the records were lying before this Court.

Learned Advocate for the State submits petitioner had absconded and was subsequently arrested and put on trial.

We have considered the materials on record. Co-accuseds have been put on trial and were convicted. They preferred Criminal Appeal Nos.472 of 2015 and CRA 510 of 2015. Lower court records were sent to this Court in connection with these appeals. In the meantime, petitioner was arrested. He applied for bail before this Court in CRM 6848 of 2020. By order dated 24.9.2020, a Co-ordinate Bench while rejecting his prayer for bail, directed the trial court to conclude the trial within 31st January, 2021, failing which the petitioner would be released on bail. As the trial did not conclude, as aforesaid, petitioner has been released on bail.

We have examined the circumstances leading to delay in conclusion of trial which does not lie at the doorstep of the petitioner. Records of the case were lying in this Court in connection with criminal appeals filed by co-accuseds. Grant of bail was a consequence of directions given by a Co-ordinate Bench of this Court. As the bail granted to the petitioner is a consequence of directions contained in an earlier order passed

by a Co-ordinate Bench of this Court, we are of the opinion this Court does not have power to review such directions and cancel the bail granted to opposite party no.2. However, in order to ensure a quick conclusion of trial in the case, we direct the records of the Court to be forthwith remitted to the trial court.

Upon receipt of records, trial court shall proceed with the matter with utmost expedition and conclude the same at an early date preferably within six months from the date of receipt of lower court records without granting unnecessary adjournment to either of the parties.

With this direction, the application is disposed of.

Department is directed to act in terms of the order and communicate the same to the trial court for necessary action.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)