

01.08.2022.  
13.  
Ct.No.28  
as  
(Rejected)

**C.R.M. (DB) 2290 of 2022**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Shyampur P.S. Case No.420 of 2016 dated 19.11.2016 under Section 302 of the Indian Penal Code.

In the matter of : Goutam Mahato.

... Petitioner.

Ms. Devi Priya Mitra.

...for the Petitioner.

Mr. Ranabir Ray Chowdhury,  
Mr. Mainak Gupta.

...for the State.

Heard the learned Advocates appearing for the parties.

Learned Advocate for the petitioner submits there is slow progress in the trial. He is in custody for more than five years.

Report is placed on behalf of the prosecution. Delay in the case was occasioned due to cessation of work by lawyers in the trial court and non-production of the accused persons from correctional home.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. On merits there are ample materials connecting the petitioner with the crime. His bail prayer was rejected earlier. Delay in the case was occasioned due to systemic reasons and cannot be attributed to the prosecution.

Hence, we are not inclined to grant bail to the petitioner on this score also.

However, keeping in mind the protracted period of detention suffered by the petitioner, we direct the trial court to take steps so that the accused persons attend the proceeding either physically and if they are unable to do so, through video linkage and the trial be concluded as expeditiously as possible within one year from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

Accordingly, the prayer for bail of the petitioner is rejected at this stage.

**(Ananya Bandyopadhyay,J.)**

**(Joymalya Bagchi, J.)**