

09.03.2022

Court No.32
rpan /125

CRM 8158 of 2021

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Bishnupur Police Station Case no.317 of 2010 dated 29.06.2010 under Sections 18B/19/20 of the UAP Act, 1967 as amended in 2008 read with Sections 121/121A/122/124A/120B of the Indian Penal Code, 1860 and sections 25/27/35 of the Arms Act and Sections 3/5 of the E.S. Act;

And

In Re : **Siddhartha Mondal**

- Petitioner.

Mr. Ratan Das

... for the petitioner.

Mr. Neguive Ahmed,

Ms. Amita Gaur

... for the State.

Mr. Das, learned advocate appearing for the petitioner submits that the petitioner is languishing in custody for about 12 years and in spite of earlier directions of this Court, trial has not yet been concluded. In view thereof, the petitioner may be enlarged on bail on any stringent condition.

Mr. Ahmed, learned advocate appearing for the State opposes the petitioner's prayer and submits that the delay, which has occurred, is not totally attributable to the State. Functioning of the learned Court below was disturbed due to the pandemics.

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Records reveal that the petitioner was initially granted bail by a coordinate Bench of this Court on 18th June, 2014. Challenging the said order, the State preferred a Special Leave Petition (Crl.) No.6173 of 2014 before the Hon'ble Supreme Court. By an order dated 13th February, 2015, the said appeal was allowed cancelling

the bail granted to the petitioner. The petitioner thereafter preferred a revision application for speedy disposal of the trial. By an order dated 8th October, 2020, the Court directed the learned trial court to conclude the argument and to decide the case on its merits within a period of three months from the date of communication of the said order. As the case was not decided within the time specified, the petitioner was again constrained to prefer another revision application and the same was disposed of by an order dated 1st July, 2021 with a direction to conclude the trial within three months.

Answering our query, Mr. Ahmed submits, upon instruction, that examination of all witnesses is over and date has been fixed today (09.03.2022) for arguments before the learned court below.

It appears that delay in trial is not totally attributable to the State. The period of delay also stands intervened by a period lost due to the pandemics.

In view thereof and considering the gravity of the offence, the nature of accusations and the stage of trial, we are not inclined to exercise any discretion in favour of the petitioner and as such, his prayer for bail is refused at this stage.

However, the learned court below is directed to conclude the trial within a period of a month from the date of communication of this order.

The learned Registrar (L&OM) is directed to communicate this order immediately to the learned court below.

With the aforesaid observations, the application for bail, being CRM 8158 of 2021 is, thus, disposed of.

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.)