

31.01.2023
Sl. No.21
akd
[Rejected]

C. R. M. (DB) 256 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 16.01.2023 in connection with Sandeshkhali Police Station Case No.212 of 2019 dated 02.11.2019 under Sections 147/148/149/186/333/353/326/307/427/435/302 of the Indian Penal Code and Sections 25(i)(a)/27(i)/35 of the Arms Act. (G.R. Case No.4543 of 2019)

And

In Re: ***Manoranjan Sardar @ Kedar & Ors.***

... .. Petitioners

Mr. Sekhar Kumar Basu .. Sr. Advocate
Mr. Soubhik Mitter
Ms. Rajnandini Das

... .. for the petitioners

Mr. Madhusudan Sur .. Id. Addl. Public Prosecutor
Mr. Dipankar Paramanick

... .. for the State

It is submitted on behalf of the petitioners that they are in custody for more than three years. It is further submitted there is delay in trial.

Learned Additional Public Prosecutor opposes the prayer for bail and submits petitioners were identified as assailants who had fired at police personnel, one of whom died. Trial has commenced.

We have considered the materials on record. Case was committed to the Court of Sessions in 2020. Due to pandemic conditions, trial was delayed and charge was ultimately framed in June, 2022. Examination of prosecution witness commenced in July, 2022 and on the prayer of the defence, his cross-examination was deferred.

Deferment of cross-examination at the behest of the defence is a well known tactic which affects the fairness of trial. We do not appreciate such conduct. Important witnesses are yet to be examined. There is possibility of witnesses being won over. In view of the aforesaid

circumstances and gravity of the offence, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is thus **rejected**.

Keeping in mind the period of detention suffered by the petitioners and the seriousness of accusation involving death of a police personnel, we direct the trial court to conduct the trial on a day to day basis and conclude the same at an early date preferably within one year from the next date fixed for recording evidence without granting unnecessary adjournments to either of the parties.

We also direct the trial court not to grant deferment of cross-examination under Section 231 of the Code of Criminal Procedure and to ensure completion of examination of witnesses on a single day as far as possible.

Parties shall cooperate with the trial court in that regard.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)