

21.04.2023
Sl. No.26
akd
[Rejected]

C. R. M. (DB) 963 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure.

And

In Re: **Anil Mondal**

... .. Petitioner

Mr. Aniket Mitra

... .. for the petitioner

Mr. Saswata Gopal Mukherjee .. Id. Public Prosecutor

Mr. Neguive Ahmed .. Id. Addl. Public Prosecutor

Ms. Trina Mitra

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than four years. It is further submitted there is inordinate delay in trial. Accordingly, he prays for bail.

Learned Public Prosecutor opposes the prayer for bail and submits delay in the matter was due to circumstances beyond control of the prosecution.

We have considered the materials on record. Statements of eyewitnesses implicate the petitioner in the offence. One person died and another was grievously injured. With regard to delay, we note case was adjourned due to the prevailing pandemic condition in 2020-2021. That apart, adjournments were taken on behalf of the defence on a number of occasions. Delay was also caused due to systemic reasons like vacancy in the trial court and cessation of work by lawyers. A number of eyewitnesses are yet to be examined. Under such circumstances and in view of gravity of the offence, we are of the opinion this is not a fit case to grant bail to the petitioner at this stage.

The application for bail is thus rejected.

Trial court is directed to fix schedules for examination of witnesses at regular intervals and conclude the trial as expeditiously as possible preferably within two years from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties. In case of vacancy, the Judge-in-charge shall record the prosecution evidence.

Parties shall communicate a copy of this order to the trial court for due compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)