

25.09.2023.
15.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 3629 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Gangarampur P.S. Case No.07 of 2018 dated 15.01.2018 under Section 302 read with Sections 498A/304B/201/34 of the Indian Penal Code.

In the matter of : **Saidur @ Saidur Mondal @ Sahidur Mondal @ Shahidur Mondal.**

... Petitioner.

Mr. Sarthank Burman.

...for the Petitioner.

Mr. Saswata Gopal Mukherjee,
Mr. Partha Pratim Das,
Mrs. Manasi Roy.

...for the State.

1. Petitioner is in custody for about five years. He submits there is delay in trial. He renews his bail prayer.

2. Learned Advocate for State opposes the bail prayer. He submits petitioner had murdered his wife. His bail prayer was rejected on merits by this Court as well as the Hon'ble Apex Court. Thereafter, the Presiding Officer was absent and after the new incumbent joined, two witnesses have been examined.

3. We have considered the materials on record. There are ample materials implicating the petitioner in the murder of his wife. His bail prayer was turned down earlier on merits by this Court and the Hon'ble Apex Court. In April, 2023 while rejecting the bail prayer of the petitioner in CRM (DB) 1725 of 2023, this Court directed the trial Court to conclude the trial at an early date preferably within two years from the next date fixed for

recording prosecution evidence. Nothing is placed on record to show the said order had been communicated to the trial Court.

4. Be that as it may, trial Court was lying vacant and examination of witnesses could not commence till August, 2023. In the month of August, 2023 two witnesses have been examined. This factual matrix shows delay in the matter cannot be attributed to prosecution but to systemic reasons. Offences, if proved, would attract mandatory life imprisonment. The schedule of trial proposed by this Court in April, 2023 has not expired.

5. Hence, we are not inclined to grant bail to the petitioner on the ground of delay.

6. Accordingly, the prayer for bail of the petitioner is rejected.

7. Trial Court is requested to conclude the trial as expeditiously as possible preferably within two years from the next date fixed for recording evidence with granting unnecessary adjournment to either of the parties.

8. Parties shall communicate this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)