

09.10.2023
Sl. No.37
akd
[Rejected]

C. R. M. (DB) 3886 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 29.09.2023 in connection with Katwa Police Station Case No.44 of 2020 dated 05.02.2020 under Sections 302/120B of the Indian Penal Code and Sections 25/27 of the Arms Act. (G.R. Case No.95 of 2020)

And

In Re: ***Amit Mondal @ Pappu***

... .. Petitioner

Mr. Manjit Singh
Mr. Biswajit Mal

... .. for the petitioner

Mr. Sudip Ghosh
Mr. Bitasok Banerjee

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than three years. It is further submitted inspite of direction given by this court to expedite trial, trial has not concluded. Accordingly, he prays for bail on the ground of delay in trial.
2. Learned Advocate for the State opposes the prayer for bail and submits since 2022 ten witnesses have already been examined. He assures the Court trial shall be concluded within a year.
3. We have considered the materials on record. There are materials connecting the petitioner with the murder. Offence, if proved, would attract mandatory life imprisonment. Bail prayer of the petitioner was rejected on merits in 2022. Since then trial has progressed considerably and ten witnesses have been examined. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage on the ground of delay.
4. The application for bail is thus rejected.

5. Trial court is directed to fix schedules for examination of witnesses at regular intervals and conclude the same at an early date preferably within a year from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties. Parties shall cooperate with the trial court in this regard.
6. Parties shall communicate a copy of this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)