

14.03.2024.
22 to 24.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 532 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with SPE/CBI/SCB, Kolkata FIR No.RC3/(S)/2011-Kol arising out of Lalgarh P.S. Case No.04 of 2011 dated 07.01.2011 under Sections 148/149/326/307/302 of the Indian Penal Code and Sections 25/27 of the Arms Act and charged sheet submitted under Sections 120B/148/326/307/302/374 of the Indian Penal Code and Sections 25/27 of the Arms Act.

In the matter of : **Nabagopal Sanki.**

.... Petitioner

W I T H

C.R.M. (DB) 646 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with SPE/CBI/SCB, Kolkata FIR No.RC3/(S)/2011-Kol dated 21.02.2011 arising out of Lalgarh P.S. Case No.04 of 2011 dated 07.01.2011 under Sections 120B/148/326/307/302/374 of the Indian Penal Code and Sections 25/27 of the Arms Act.

In the matter of : **Niranjan Kotal.**

.... Petitioner

W I T H

C.R.M. (DB) 649 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with SPE/CBI/SCB, Kolkata FIR No.RC3/(S)/2011-Kol dated 21.02.2011 arising out of Lalgarh P.S. Case No.04 of 2011 dated 07.01.2011 under Sections 120B/148/326/307/302/374 of the Indian Penal Code and Sections 25/27 of the Arms Act.

In the matter of : **Suvendu Mondal @ Subhendu Mondal
@ Suven.**

.... Petitioner

Mr. Arkaprabho Roy,
Mr. Anish Roy,
Mr. Riddhiman Mukherjee.

...for the Petitioner in
CRM (DB) 532/2024.

Mr. Arindam Jana,
 Ms. Tanusree Kar,
 Mr. Arhan Sengupta,
 Mr. Partha Pratim Sinha,
 Mr. Soumojit Chatterjee.

...for the Petitioners in
 CRM (DB) 646/2024 & CRM (DB) 649/2024.

Mr. Ranabir Roy Chowdhury,
 Mr. Asif Dewan.

...for the State.

Mr. Arun Kumar Maiti (Mohanty),
 Mr. Amajit De, Spl. P.P.,
 Mr. Anirban Mitra.

...for the CBI in
 CRM (DB) 532/2024.

Mr. Amajit De, Spl. P.P.

...for the CBI in
 CRM (DB) 646/2024 & CRM (DB) 649/2024.

1. Report is placed on record on behalf of CBI with regard to the roles of the petitioners vis-a-vis co-accused who are on bail.
2. Case involves brutal murder of nine villagers. A number of others were also injured.
3. In view of gravity of the offence and as the allegations were against members and associates of the then ruling political party in the State, case was transferred for investigation to CBI.
4. In conclusion of investigation, charge sheet was filed citing 115 witnesses. 20 accused were put on trial. Trial progressed at a slow pace and petitioners are languishing in jail for more than 13 years. 79 witnesses have been examined. Three of them are yet to be cross-examined.

5. Noting the delay in trial, number of co-accused including one Abani Bhusan Singha @ Abani Singha has been released on bail by the Hon'ble Apex Court as well as this Court. Petitioners argue they stand on the same footing with said Abani Bhusan Singha @ Abani Singha.

6. Learned Advocates for the CBI do not dispute such fact. But they submit defence is not co-operating with the trial court.

7. We have considered the rival submissions at the Bar. Though the offence involves mass murder, petitioners have suffered detention for more than 13 years. Prosecution proposes to examine over 100 witnesses and till date 79 witnesses have been examined. There is little possibility of trial concluding in the near future.

8. In view of delay, number of co-accused including one Abani Bhusan Singha @ Abani Singha has been enlarged on bail. Petitioners stand on the same footing with the said Abani Bhusan Singha @ Abani Singha.

9. Under such circumstances, we are of the opinion further detention of the petitioners would infract their fundamental right to speedy trial and they may be enlarged on bail.

10. Accordingly, the petitioners viz., **Nabagopal Sanki** (in CRM (DB) 532/2024), **Niranjan Kotal** (In CRM (DB) 646/2024) and **Suwendu Mondal @ Subhendu Mondal @ Suven** (In CRM (DB) 649/2024) shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of

the learned Chief Judicial Magistrate, Midnapore subject to condition that they shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

10. In the event the petitioners fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

11. These applications for bail are, thus, disposed of.

12. Trial court-in-charge is requested to proceed with the recording of evidence.

13. All parties including the accused shall co-operate with the trial court.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)