

D/L. 38.
13.06.2024.
MNS/MB

CRM (DB) 1571 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.05.2024 in connection with Hogalberia Police Station Case No. 131 of 2019 dated 04.08.2019 under Sections 302/201/34 of the Indian Penal Code.

And

In the matter of: Animesh Mondal

.... Petitioner

Mr. Asraf Mondal,
Md. Bani Israil

... for the petitioner.

Mr. Debasish Roy,
Mr. Rudradipta Nandy,
Mr. Parvej Anam

... for the State.

This is the second application made by the petitioner praying for bail. The last rejection of his prayer was by an order dated September 1, 2023 passed by a co-ordinate Bench in CRM (DB) 3446 of 2023. While rejecting the petitioner's prayer for bail, the co-ordinate Bench requested "the trial court to expedite the trial and conclude the same at at early date preferably within two years from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties."

The petitioner while renewing his prayer for bail, says that after the aforesaid order was passed by the co-ordinate Bench, no appreciable progress has taken place in the trial. Only one witness has been examined, that too partly and that was prior to passing of the order dated September 1, 2023. Subsequent to the said order, no further witness action has taken place. He says that he is in custody for almost five years. He should be released on bail.

Learned Public Prosecutor opposes the prayer for bail. He says that on various occasions, the trial had to be adjourned not necessarily for any fault or laches of the part of the prosecution, but for reasons entirely beyond the control of the prosecution.

This submission is disputed by the learned Advocate for the petitioner.

We find that the co-ordinate Bench has directed expeditious conclusion of the trial at an early date and preferably within two years, i.e., by August 31, 2025. This does not mean that the prosecution should unnecessarily take time up to that date for having the trial concluded.

We request the learned Trial Court in reiteration of the request made by the co-ordinate Bench, to expedite the trial as much as possible so that definitely the trial is concluded by August 31, 2025.

The present application for bail stands rejected.

However, we make it clear that if by August 31, 2025 the trial is not concluded, the petitioner will be entitled to renew his prayer for bail.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)