

08.01.2024.
3 to 5
Ct.No.28
(Rejected)

C.R.M. (DB) 2698 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Binpur P.S. Case No.12 of 2010 dated 15.02.2010 under Sections 121/121A/122/124A read with Section 120B of the Indian Penal Code and under Sections 20/16(1)(a)/16(1)(b)/18/38/39 of the Unlawful Activities (Prevention) Act and under Sections 3/4 of the Explosive Substances Act and under Sections 25(1)(b) of the Arms Act and Section 302 read with 120B of the Indian Penal Code.

In the matter of : **Mangal Saren @ Mangal Soren.**
... Petitioner.

with

C.R.M. (DB) 3070 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Binpur P.S. Case No.12 of 2010 dated 15.02.2010 under Sections 121/121A/122/124A read with Section 120B of the Indian Penal Code and under Sections 20/16(1)(a)/16(1)(b)/18/38/39 of the Unlawful Activities (Prevention) Act and under Sections 3/4 of the Explosive Substances Act and under Sections 25(1)(b) of the Arms Act and Section 302 read with 120B of the Indian Penal Code.

In the matter of : **Kalpana Maity @ Anu @ Rina.**
... Petitioner.

with

C.R.M. (DB) 3073 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Binpur P.S. Case No.12 of 2010 dated 15.02.2010 under Sections 121/121A/122/124A read with Section 120B of the Indian Penal Code and under Sections 20/16(1)(a)/16(1)(b)/18/38/39 of the Unlawful Activities (Prevention) Act and under Sections 3/4 of the Explosive Substances Act and under Sections 25(1)(b) of the Arms Act and Section 302 read with 120B of the Indian Penal Code.

In the matter of : **Kajal Mahata @ Kajal Mahato.**
....Petitioner.

Mr. Kaushik Gupta,
Mr. A. B. Bagchi.

...for the Petitioner
(in all application).

Mr. Ranabir Roy Choudhury,
Mr. Sandip Chakraborty.

...for the State in
CRM (DB) 3070/2022.

Mr. Neguive Ahmed, Id. A.P.P.,
Ms. Trina Mitra,
Ms. Ayantika Roy.

....for the State in CRM (DB) 2698/2022
& CRM (DB) 3073 of 2022.

1. Petitioners are in custody for more than 12 years. It is contended some of the accused are on bail. It is also contended that trial shall not conclude in the near future. Hence, they pray for bail.
2. Report filed on behalf of the State is kept on record. Learned Public Prosecutor submits date had been fixed for arguments. In course of arguments, prosecution witnesses were recalled under Section 311 of the Code of Criminal Procedure to correct inadvertent errors i.e. proof of signatures on exhibited documents. Prosecutor assures the court that the proceedings shall be concluded within three months.
3. We have considered the materials on record. Allegations are very serious and involve murder of 24 police personnel. It is a fact co-accused have been enlarged on bail. But thereafter defense did not co-operate and the trial got protracted.
4. Under such circumstances, this Court adjourned the hearing of the bail application and passed directions for prompt

conclusion of trial. Pursuant thereto, trial has substantially progressed and dates were fixed for arguments. In course of arguments, trial court directed to recall of witnesses to correct inadvertent errors. The aforesaid facts clearly demonstrate that prosecution has taken all efforts to conclude the trial expeditiously and we are assured that the trial shall be concluded within three months.

5. In view of the aforesaid circumstances, particularly the gravity of the offence involving murder of 24 police personnel which, if proved, would attract mandatory life imprisonment, evidence collected against the petitioners and the assurance on behalf of the prosecution that trial shall be concluded within three months, we are not inclined to grant bail to the petitioners at this stage.

6. Accordingly, we are not inclined to grant bail to the petitioners.

7. We direct the trial court that the cross-examination, if any, of the investigating officer who has been summoned under Section 311 of the Code of Criminal Procedure be concluded on the next date fixed and thereafter, the proceedings be taken to its logical conclusion positively within three months from date without 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.)

