

8.
27-03-2025
(ct. no.29)
debajyoti
(rejected)

CRM (DB) 800 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Sandeshkhali Police Station Case No.212 of 2019 dated 02-11-2019 under Sections 147/148/149/186/353/333/326/307/427/435/302 of the Indian Penal Code and Sections 25(i)(a)/27(i)/35 of the Arms Act.

- A n d -

In the matter of : Kedar Sardar @ Monoranjana & Ors.

.... Petitioners.

Mr. Arnab Chatterjee,
Mr. Dipankar Guha,
Ms. Dhanasree Biswas
Ms. Poulami Bose

... For the Petitioners.

Mr. Suman De,
Ms. Sanjida Sultana

... For the State.

Dictated by Arijit Banerjee, J.

1. Learned advocate for the State files a status report. Let the same be taken on record.

2. It is true that the petitioners are in custody for more than five years. However, 34 witnesses have been examined out of 64 charge sheet named witnesses. The State says that the prosecution intends to examine five more witnesses.

3. We find that the charges are very grave, under Sections 302 and 307 of the Indian Penal Code as well as under the relevant sections of the Arms Act. There is *prima facie* sufficient incriminating material against the petitioners.

4. We further see from the orders recorded by the learned trial Court that on innumerable occasions, learned defence counsel was not present. It appears that substantial

part of the delay in progress of the trial is attributable to the defence.

5. The petitioner no.1 has criminal antecedents. We are told that 20 criminal cases are pending against him.

6. An accused person who indulges in dilatory tactics as has been recorded by a coordinate Bench in the order dated January 30, 2024 passed in CRM (DB) 255 of 2024 rejecting the bail prayer of the petitioners herein, which causes prolongation of the trial, cannot on the same breath try to take advantage of Article 21 of the Constitution of India.

7. In view of the aforesaid, we are not inclined to allow the prayer of the petitioners for bail, at this stage.

8. The application for bail is, thus, **dismissed**.

9. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

10. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)