

20.10.2020  
DL No.20  
Court No.12  
Avijit Mitra

**CRM 8127 of 2020**

**(Through Video Conference)**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Labpur** P.S. Case No.**48/2019** dated **09.03.2019** under Sections **341/323/325/376(2)(n)/506** of the Indian Penal Code.

And

In the matter of: **Bappaditya Mondal**

....Petitioner.

Mr. Saryati Datta,  
Mr. Sanjib Dan

...for the Petitioner.

Mr. Swapan Banerjee,  
Ms. Purnima Ghosh

...for the State.

The learned counsel for the petitioner has renewed his prayer for bail.

Learned counsel has relied upon the deposition of the prosecutrix before the trial court to impress upon this court that at this stage the prayer for bail may be allowed.

Learned counsel for the State has however opposed the prayer for bail and submitted that on 24<sup>th</sup> January, 2020 a co-ordinate bench rejected the application of the petitioner for bail after recording that materials in the case diary *prima facie* disclosing involvement of the petitioner in forcibly ravishing the victim and physically assaulting her and the trial is in progress.

There has been no change in circumstances since the last order of rejection. The evidence upon which the petitioner has relied upon is for the trial court to assess after the conclusion of the trial. Appreciation of evidence at this stage is not permissible and desirable.

Trial court is directed to take necessary steps to consider the issue of framing of charge at the earliest and in the event such charge is framed to conclude the trial as expeditiously as possible preferably within one year from the date of framing of charge without granting unnecessary adjournment to either of the parties.

The application for bail being CRM 8127 of 2020 is rejected.

All parties are to act on a website copy of this order on the usual undertaking.

**(Aniruddha Roy, J.)**

**(Soumen Sen, J.)**