

05-11-2020
Subrata/Subha
Item no.24
rejected

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M. No. 8858 of 2020
Ajimul Mondal @ Humayun Kabir
-vs-
The State of West Bengal
(Via video-conference)

In Re: An application for bail under **Section 439 CrPC** in connection with Khargram P.S. Case No.312 of 2016 dated July 6, 2016 under sections 302/34 IPC and 25/27 Arms Act.

Mr. Kallol Mondal
Mr. Dipankar Pal
Mr. Barnamoy Basak
Mr. Joy Chakraborty ...for the petitioner

Mr. Madhusudan Sur, APP
Mr. Aniket Mitra ... for the State

Mr. Soumyajit Das Mahapatra ...for de facto complainant.

The petitioner claims to be in custody for more than 4 years.

The petitioner earlier on three occasions approached this court for obtaining bail; and lastly on January 27, 2020 a co-ordinate Bench of this court rejected the prayer for bail of the petitioner by recording as follows:-

"Having considered the materials on record and disclosing prima facie involvement of the petitioner in the alleged crime and as trial has substantially progressed, we are not inclined to grant bail to the petitioner."

The ground urged by the petitioner is that from the evidence of the doctor recorded subsequent to the order dated January 27, 2020, it is evident that the petitioner is not involved in the alleged crime.

By referring to the order dated January 27, 2020, learned advocate appearing for the State vehemently opposes the prayer for bail and alleges that there is no change of circumstance in this case since January 27, 2020.

Considering the materials available on record and the findings of the co-ordinate Bench of this court recorded in the order dated January 27, 2020, we are not inclined to grant the petitioner bail. As such the prayer for bail of the petitioner is rejected.

However, the learned trial court is requested to expedite the trial of the case and conclude the same at an early date, preferably within six months from the date of communication of this order.

Accordingly, CRM No.8858 of 2020 stands disposed of.

[Tirthankar Ghosh, J]

[Ashis Kumar Chakraborty, J]

