

03.03.2021
Court No.28
Item No. 17
Krishnendu
Bail Rejected

**CRM 491 of 2021
(Via video Conference)**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : Monojit Mondal @ Fochen & Anr.

Petitioners

Mr. Milon Mukherjee, Id. Sr. Adv.

Mr. Atish Kumar Biswas

Mr. Sandip Chakraborty

Mr. Amit Singh

For the Petitioners

Mr. Swapan Banerjee

Mr. Suman De

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioners in connection with Tehatta Police Station Case No. 366 of 2020 dated 06.09.2020 under sections 302/34 of the Indian Penal Code.

Mr. Mukherjee, learned senior advocate appearing for the petitioners submits that the petitioners have been falsely implicated in this case. No overt act has been attributed to them. The fatal blow was from the brother of the deceased. Upon completion of investigation, charge sheet has also been filed and as such further detention of the petitioners, who are in custody for more than 160 days, is not necessary.

Mr. Banerjee learned advocate appearing for the State opposes the petitioners' prayer for bail and draws our attention to the complaint and the statements of the wife and daughter of the deceased.

We have perused the materials in the case diary. The allegations against the petitioners, *prima facie*, do not appear to be in the abstract. There are materials on record, which disclose the direct involvement of the petitioners as all of them were present at the place of occurrence.

In view thereof, we are not inclined to exercise any discretion in favour of the petitioners. As such, their prayer for bail is dismissed at this stage.

Accordingly, the application for bail, being CRM No. 491 of 2021 is disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)