

15.03.2021
Item no.19
Court No.28
Avijit Mitra

C.R.M. 760 of 2021 (through video conference)

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

And

In Re : Bappaditya Mondal

.... Petitioner

Mr. Jaydeb Das,
Mr. Prithvijoy Das,
Mr. Raj Kumar Gupta

...for the petitioner

Md. Anwar Hossain,
Ms. Sreyashee Biswas

...for the State

Mr. Manas Kumar Das

...for the *de facto* complainant

The learned advocate appearing for the petitioner submits that the petitioner was arrested on or about 10th March, 2019 and is in custody for more than 2 years and only four witnesses have been examined till date out of 17 chargesheeted witnesses sought to be relied upon by the prosecution. Learned advocate further submits that the petitioner has been falsely implicated in the instant case and that is the reason the prosecution is not proceeding with the case and as such, he may be released on any stringent condition as this Court thinks fit and proper.

Mr. Hossain, learned advocate appearing for the State opposes the petitioner's prayer and draws the attention of this Court to the statement of the victim

under Section 164 of the Code of Criminal Procedure as also the medical documents.

Mr. Das, learned advocate appears for the *de facto* complainant.

We have perused the materials available in the case diary including the statement of the victim, the medical report as also appreciated the evidence of the victim which was recorded by the learned Trial Court. Having regard to the nature of evidence which are already on record including the deposition of victim, we are not inclined to release the petitioner on bail and as such his prayer for bail is rejected.

However, having regard to the fact that the petitioner is in custody for more than 2 years and only 4 witnesses out of 17 chargesheeted witnesses have been examined till date, we direct the learned Trial Court to fix schedule of dates in each and every month, after the next date so fixed, so that the trial of the case can be taken to its logical conclusion.

With the aforesaid observations, the application being C.R.M. No.760 of 2021 is dismissed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)

