

19.07.2021

Court No.28
Item No.15
(REJECTED)

Saswata

CRM 2751 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on 16.03.2021 in connection with Katwa Police Station Case No. 44 of 2020 dated 05.02.2020 under Sections 302/120B/34 of the Indian Penal Code read with Sections 25/27 of the Arms Act (G.R. Case no. 95 of 2020);

And

In the matter of : **Amit Mondal @ Pappu**
...Petitioner.

Ms. Amrita Chel

...For the Petitioner

Mr. Sudip Ghosh

Mr. Apurba Kr. Datta

Mr. Bitasok Banerjee

... For the State

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure in connection with Katwa Police Station Case No. 44 of 2020 under Sections 302/120B/34 of the Indian Penal Code read with Sections 25/27 of the Arms Act (G.R. Case no. 95 of 2020).

This is an application making renewal of the prayer for bail after it was lastly rejected on 14th September 2020 in connection with CRM 6300 of 2020. This is a case purely based on circumstantial evidence, wherein, the complicity against the petitioner has been transpired following disclosure of some statements recorded under Section 164 and 161 of the Code of Criminal Procedure.

Learned Advocate for the petitioner submits that petitioner has been languishing in custody nearly for about 511 days and in the meantime, there has been no progress of the trial. According to the petitioner, though charge-sheet has been submitted long before, but

for want of sufficient materials collected against the petitioner during the investigation, further detention of the petitioner is not necessary.

Learned Advocate for the State raises objection against the prayer for bail, referring to the statement of the witness recorded under Section 164 of the Code of Criminal Procedure and the post-mortem report together with the recovery of the arms and the vehicles used in the commission of the crime.

Having considered the submissions of both sides, we are of the view that this is not a case, wherein, a change in the circumstances has been made out, warranting a different decision so as to release the petitioner on bail.

The application for bail is, thus, considered and ***rejected***.

We, however, request the trial Court to frame charge on the next scheduled date and show its all promptitude so that the trial of this case may be concluded within a reasonable period of time.

The application for bail being CRM 2751 of 2021 is, accordingly, disposed of.

(Harish Tandon, J)

(Subhasis Dasgupta,J.)