

19.07.2021

Court No.28
Item No.18
(REJECTED)

Saswata

CRM 2802 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on 17.03.2021 in connection with Domkal Police Station Case No. 336 of 2020 dated 07.07.2020 under Sections 341/325/326/307/302/34 of the Indian Penal Code;

And

In the matter of : **Monirul Biswas**

...Petitioner.

Mr. Anisur Rahman

...For the Petitioner

Mr. Madhusudan Sur, APP
Mr. Dipankar Paramanick

... For the State

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure in connection with Domkal Police Station Case No. 336 of 2020 under Sections 341/325/326/307/302/34 of the Indian Penal Code.

Learned Advocate for the petitioner submits that petitioner has been implicated in this case following an old pending property dispute between the parties. The petitioner has been languishing in custody nearly for about 358 days and some of the co-accused persons are now on bail. According to the petitioner, with the submission of the charge-sheet, further detention of the petitioner would be an unnecessary exercise. The case, according to the petitioner, is awaiting commitment.

Learned Advocate for the State raises objection against the prayer for bail submitting that there are several eye witnesses, whose statements have already been recorded and the eye witnesses are the sons of the deceased, who were also beaten up severely by the assailants and the role of the petitioner has been sufficiently

transpired in their statements.

Having considered the submissions of both sides and bearing in mind the direct role of the petitioner in the alleged offence, we are not inclined to grant bail to the petitioner.

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

We, however, request the learned Magistrate to commit the case on the scheduled date so that logical conclusion of the case may be reached at the earliest.

The application for bail being CRM 2802 of 2021 is, accordingly, disposed of.

(Harish Tandon, J)

(Subhasis Dasgupta,J.)