

05.08.2021
Item no. 34
Court No.32.
S.De.
(rejected)

(Via Video Conference)

CRM 3038 of 2021

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure filed on 26.03.2021 in connection with Duttapukur Police Station Case No. 672 of 2020 dated 15.09.2020 under Sections 302/201 adding Section 120B of the Indian Penal Code.

And

In the matter of : Soumen Mondal.

	 petitioner.
Mr. Robiul Islam Advocate,	
	for the Petitioner.
Mr. Sudip Ghosh, Advocate,	
Mr. B. Banerjee, Advocate,	
	for the State.

The petitioner is the son of the victim and also the complainant of the case. It is submitted on behalf of the petitioner that he has been falsely implicated and he has no role to play in the murder of his father. His father was murdered at the behest of his mother and her paramour.

He is in custody for more than ten months.

The State opposes the prayer for bail and refers to the statements of witnesses under Sections 161/164 of the Code, wherefrom it prima facie appears that the petitioner was last seen together with the deceased immediately prior to his death.

We have considered the material in the case diary including the statement of witnesses under Sections 161/164 of the Code. Prima facie, there is incriminating material against the petitioner suggesting his involvement in the alleged offence. Though charge sheet has been submitted, we are inclined to hold that in view of the prima facie role of the petitioner in the alleged crime as well as the nature and gravity of the offence, this is not a fit case where he can be released on bail.

Accordingly, the prayer for bail is rejected at this stage.

CRM 3038 of 2021 is dismissed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)