

21. 27.07.2021
Ct.32
tgh

C.R.M. 3625 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **27/04/2021** in connection with **Taherpur Police Station Case No. 210 of 2019** dated **08/09/2019** under Sections **341/302/34** of the Indian Penal Code and Sections **25/27** of the Arms Act, 1959.

And

In the matter of: - **Sri Krisan Mondal @ Krishna Mondal @ Krishna.**

....petitioner.

Ms. Sananda Bhattacharya

...for the petitioner.

Mr. Saibal Bapuli,
Mr. Arijit Ganguly,
Mr. Arani Bhattacharyya

...for the State.

The petitioner is one of the six accused persons. The charge is of murder. The petitioner says that one of the accused persons has been enlarged on bail. He stands on the same footing and he should also be granted bail.

Learned Counsel for the Prosecution submits that it was the petitioner who actually shot the victim. The co-accused who has been granted bail, stands on a different footing. There are statements of vital witnesses recorded under Section 164 of the Code of Criminal Procedure. Further, the petitioner's prayer for bail was rejected on at least two occasions by this Court by orders dated June 22, 2020 in C.R.M. 4259 of 2020 and November 24, 2020 in C.R.M. 9129 of 2020.

Having considered the facts and circumstances of the case and the material before us as also having regard to the fact

that co-ordinate Benches of this Court rejected the petitioner's prayer for bail on at least two occasions, we are not inclined to enlarge the petitioner on bail. We are of the view that the petitioner does not stand on the same footing as the other co-accused who has been granted bail.

However, we request the learned trial Court to expedite the trial and bring the same to its conclusion as early as possible.

Accordingly, the application for bail being C.R.M. 3625 of 2021 is rejected.

Memo of Evidence handed over by learned Counsel for the Prosecution be kept on record.

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.)