

02.06.2021

Court No.28
rpan / **14**

CRM 3721 of 2021

(Via video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : **Sushanta Mondal**

Petitioner.

Md. Khairul

... for the Petitioner.

Mr. Tanmay Kumar Ghosh,

Ms. Sima Biswas

... for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Bowbazar Police Station Case No.191 of 2020 dated 19.05.2020 under Sections 302/34 of the Indian Penal Code.

The learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The allegations levelled against him are unfounded. No overt act has been attributed to the petitioner. Upon completion of investigation, charge sheet has also been submitted and as such, further detention of the petitioner, who is in custody since 19th May, 2020, is not required, more so, when there is no possibility towards conclusion of trial at an early date.

The learned advocate appearing for the State opposes the petitioner's prayer and submits that there are in total four accused persons, who are in custody. An application for bail preferred by two co-accused persons has also been dismissed. He

has drawn our attention to the statement of an eyewitness, as recorded under Section 164 of the Code. He further submits that the petitioner has also been identified in the T.I. parade and in such circumstances, the petitioner is not entitled to the relief as prayed for.

Having heard the learned advocates and considering the materials in the case diary, the gravity of the offence, the post-mortem report, and the extent of complicity of the petitioner in the offence, we are not inclined to exercise any discretion in his favour. As such, his prayer for bail is refused at this stage.

The application for bail, being CRM 3721 of 2021, is dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Shampa Sarkar, J.)

(Tapabrata Chakraborty, J.)