

09.08.2021

Court No.28
Item No.38
(Rejected)

Akd
&
As

CRM 4138 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Jagatballavpur Police Station Case No. 103 of 2020 dated 09.07.2020 under Sections 302/201/34 of the Indian Penal Code;

And

In the matter of : **Subir Manna @ Bhombol @**
Bhambol Manna @ Bhombal
...Petitioner

Mr. Kallol Mondal,
Mr. Krishan Roy,
Ms. Amrita Chel,
Mr. Somik Das,
Mr. Anamitra Banerjee.

...For the Petitioner

Mr. Swapan Banerjee,
Mr. Suman De.

...For the State.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Jagatballavpur Police Station Case No. 103 of 2020 under Sections 302/201/34 of the Indian Penal Code.

The petitioner has renewed his prayer for bail, as the earlier application for bail being CRM 9289 of 2020 was rejected by this Court on 12th November, 2020.

It is submitted by Mr. Kallol Mondal, that the findings recorded in the said order is not supportive of the actual fact. Such statement is made at the Bar. We do not find any foundation in the pleading of the said application.

However, we have gone through the statement of several persons recorded under Section 164 of the Code of Criminal Procedure. The statement would indicate that the petitioner was assaulting the victim and the victim thereafter never returns. The charge sheet has already been submitted. We are informed that the charges have not been framed as yet.

Because of the complicity of the petitioner to the alleged offence, prima facie, we find materials against the petitioner, which

does not justify him to be released on bail, even after he is in correctional home for nearly 396 days.

The prayer for bail is thus rejected.

However, we request the Trial Court to take up the matter for the purpose of framing charges and thereafter expedite the trial of the case.

The application for bail, being CRM 4138 of 2021, is thus **disposed of.**

(Harish Tandon, J)

(Bibek Chaudhuri, J.)