

16.11.2021

CRM 4847 of 2021

court no. : 28
Item no. : PB-46
matter : 439
status : REJECTED
transcriber : nandy

In Re:- An application for **Bail** under Section **439** of the Code of Criminal Procedure filed on 20.07.2021 in connection with Baduria Police Station Case No. 747 of 2020 dated 18.12.2020 under Sections 341/302/34 of the Indian Penal Code. (G.R. Case No. 5459 of 2020)

and

In the matter of: **Enamul Mondal @ Moni & Anr.**

.....Petitioners

Mr. Kallol Kumar Basu, Advocate
Mr. Md. Jannat Ul Firdous, Advocate
Ms. Tithi Majumdar, Advocate

.....for the Petitioner

Mr. Saibal Bapuli, Advocate
Mr. Arani Bhattacharya, Advocate

.....for the State

Mr. Arindam Sen, Advocate
Mr. Balaram Sarkar, Advocate
Mr. Rinku Sen, Advocate
Mr. Sagnik Bhattacharya, Advocate

.....for the de facto complainant

The petitioners have filed the instant application for bail in connection with Baduria Police Station Case No. 747 of 2020 dated 18.12.2020 under Sections 341/302/34 of the Indian Penal Code.

Learned Advocate for the petitioners submits that the petitioners are languishing in jail for 322 days in connection with the aforementioned case. It is submitted that there is no chance of immediate trial to commence although chargesheet has been submitted but charges have not been framed.

The State opposes the prayer for bail. It is submitted that eyewitnesses have disclosed the name of the petitioners along with other co-accused who have been actively involved in the commission of an offence which led to the death of the deceased.

After hearing the learned Counsel for the parties and on

perusal of the materials-on-record including the statement of the eyewitnesses, we find that the materials have been disclosed attributable to the conduct of the petitioners in commission of such offence and, therefore, it is not a fit case where the petitioners should be enlarged on bail.

As such, the prayer for bail is **rejected**.

The application for bail being **CRM 4847 of 2021** is thus **dismissed**.

However, we request the trial Court to take utmost efforts to commence the trial and bring to its logical conclusion at an earliest.

(Harish Tandon, J.)

(Rabindranath Samanta, J.)

