

16.11.2021

CRM 5076 of 2021

court no. : 28
Item no. : PB-57
matter : 439
status : REJECTED
transcriber : nandy

In Re:- An application for **Bail** under Section **439** of the Code of Criminal Procedure filed on 30.07.2021 in connection with Kotwali Police Station Case No. 662 of 2020 dated 09.09.2020 under Sections 302 of the Indian Penal Code. (Sessions Case No. 14(1)21)
and

In the matter of: **Sujit Durlav @ Mondal**

.....Petitioner

Mr. Kushal Kumar Mukherjee, Advocate

.....for the Petitioner

Mr. Neguive Ahmed, Advocate

Ms. Trina Mitra, Advocate

.....for the State

The petitioner has filed the instant application for bail in connection with Kotwali Police Station Case No. 662 of 2020 dated 09.09.2020 under Sections 302 of the Indian Penal Code.

It is submitted by the learned Advocate for the petitioner that the petitioner is languishing in jail for 420 days and there is no sign of commencement of trial.

Learned Advocate for the State opposes the prayer for bail. It is submitted that the petitioner is involved in the commission of an offence which has been corroborated by the eyewitnesses before the Judicial Magistrate. It is further submitted that charges have been framed and the trial is likely to commence in near future.

After considering the submissions and on perusal of the case diary including the statement of the witnesses recorded under Section 161 of the Code of Criminal Procedure, conduct of the petitioner attributable to the commission of an offence cannot be ruled out at this stage. Furthermore, the case has ripen for trial and schedule for recording evidence is also fixed by the Sessions Court.

In view of the above, we do not find any justification in enlarging the petitioner on bail.

The prayer for bail is **rejected**.

The application for bail being **CRM 5076 of 2021** is thus **dismissed**.

However, the Sessions Judge is requested to expedite the trial of the case.

(Harish Tandon, J.)

(Rabindranath Samanta, J.)

