

20.12.2021
Court No.32
Item No. 33
Avijit Mitra

C.R.M. 7843 of 2021

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

And

In Re : Rijabul Mondal alias Reja alias Rejabul Mondal
Petitioner

Ms. Minoti Gomes

..For the Petitioner

Mr. Nguive Ahmed,
Ms. Trina Mitra

...For the State

The present application for bail under Section 439 of the Code of Criminal Procedure has been preferred in connection with Chakdah Police Station Case No.263 of 2018 dated 10.08.2018 under Sections 302/34 of the Indian Penal Code.

Ms. Gomes, learned advocate appearing for the petitioner submits that the petitioner was not named in the FIR and he has been falsely implicated in the alleged incident. He had already suffered long incarceration for 1110 days and there is also no possibility towards early conclusion of trial. The entire case is based upon circumstantial evidence and the accusations are omnibus in nature. In the said conspectus, the petitioner may be enlarged on bail on any stringent condition.

Ms. Mitra, learned advocate appearing for the State opposes the petitioner's prayer and submits that from the statement of the witnesses and the seizure list, it would be explicit that the petitioner had direct involvement in the alleged offence. She

further submits that out of 17 witnesses 11 had already been examined and the next date is fixed on 16th January, 2022.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, there are strong incriminating materials against the petitioner. Considering the gravity of the offence, its ramification and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in favour of the petitioner and his prayer for bail is refused at this stage.

Accordingly, the application for bail, being CRM No. 7843 of 2021 is dismissed.

However, as out of 17 witnesses 11 witnesses had already been examined, this Court directs the learned Court below to expeditiously conclude the trial without granting unnecessary adjournments to either of the parties and preferably within a period of six months from the date of communication of this order.

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

(Sugato Majumdar, J)

(Tapabrata Chakraborty, J)