

CRM 7968 of 2021
(via video conference)

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

And

In Re : Soumen Mondal

.....Petitioner

Mr. Rabiul Islam

.....for the Petitioner

Mr. N. Ahmed
Ms. Trina Mitra

.....for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Duttapukur P.S. Case No. 672/20 dated 15.09.2020 under Sections 302/201 adding Section 120B of the Indian Penal Code.

Heard the learned lawyer for the petitioner and perused the case diary.

Earlier bail application was rejected by the coordinate Bench on 05.08.2021. It is submitted by Mr. Islam, the learned lawyer appearing for the petitioner that the coordinate Bench of this Court rejected the bail application of the present petitioner on the ground that the present petitioner and the deceased were last seen together.

Mr. Islam submitted that this bail was refused on wrong conspectus of facts. This petitioner was not last seen with the deceased. It is the submission of Mr. Islam that since charge sheet is filed, no further detention is necessary.

The learned lawyer representing the State invited our attention to seizure list under which broken SIM Card was recovered at the instance of the present petitioner and the statement of co-accused along with other incriminating materials.

We have perused the case diary. The present petitioner appears to be a conspirator who conspired with the other co-accused and facilitated murder of the victim being the father of the present petitioner, since rejection of the last bail application there is no change of circumstances. Considering the nature of allegations, extent of incriminating materials, we are not inclined to allow bail to the present petitioner, moreso when the trial had already been commenced.

The application being CRM 7968 of 2021 is dismissed.

We, however, direct the learned trial Court to expedite and conclude the trial preferably within a period of six months.

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.)