

CRM 7994 of 2021
(via video conference)

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

And

In Re : Iddrish Mondal @ Idrish Mondal

.....Petitioner

Mr. Prabir Majumder

.....for the Petitioner

Mr. Saibal Bapuli

Mr. Soumik Ganguli

.....for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Krishnaganj P.S. Case No. 66/2021 dated 31.03.2021 under Sections 302/201 of the Indian Penal Code.

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

The learned lawyer appearing for the petitioner submitted that charge sheet has been filed for which custodial detention is not necessary. The petitioner is in custody for about 268 days; accordingly, bail is prayed for.

On the other hand, the learned lawyer representing the State submitted that the evidences are mainly circumstantial in nature. Relying on the statement of the present petitioner and the statement of other witnesses, he submitted that strong incriminating elements are there against the present petitioner and opposed the bail application.

On perusal of the case diary and other materials, we find that marriage took place 12 years earlier. The statement of the daughters of the petitioner are there in the case diary, although no direct evidence is available implicating the present petitioner. The instant prosecution case is mostly based on circumstantial evidence and some witnesses are closely connected with the present petitioner. Considering the seriousness of offence and gravity, we are not inclined to allow the bail at this stage and, therefore, the same stands rejected.

However, we direct the learned Chief Judicial Magistrate, Krishnanagar to commit the matter within one month from the date of receiving this order. Accordingly, the instant application being CRM 7994 of 2021 stands dismissed.

It is made clear that the observations made in this order shall in no way effect consideration and appreciation of evidence by the learned trial Court.

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.)