

23.07.2021
Court No.30
Item No. 04
Krishnendu
Bail Rejected

**CRM 9423 of 2020
(Via video Conference)**

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

And

In re: ***Nemai Mondal @ Bapi***

...Petitioner

Mr. Somopriyo Chowdhury

Mr. Dipayan Dan

Mr. Bhanu Prakash

... For the Petitioner

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

Mr. Apurba Kumar Dutta

...For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Domjur Police Station Case No. 664 of 2010 dated 29.11.2010 under sections 363/364/365/302/201 of the Indian Penal Code .

Mr. Chowdhury, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in a case, which is based on circumstantial evidence. He is languishing in custody since the month of November, 2010 and there is also no possibility towards early conclusion of the trial. In the said conspectus, further detention of the petitioner is not warranted.

Mr. Ghosh, learned advocate appearing for the State opposes the petitioner's prayer and submits that the delay, which has occasioned towards conclusion of trial, is not attributable to the State. Furthermore, the period of delay

stands intervened by a period lost due to the pandemic. He further submits, upon instruction, that the cross-examination of the last witness, being the Investigating Officer, is in progress. The report, as placed, be kept on record.

Having heard the learned advocates appearing for the respective parties and considering the gravity of the offence, the extent of involvement of the petitioner in the alleged crime and the stage of trial, we are not inclined to exercise any discretion in favour of the petitioner and as such his prayer for bail is rejected at this stage.

However, this Court directs the learned Trial Court to conclude the trial as expeditiously as possible, preferably within three months from date, without granting any unnecessary adjournments to either of the parties.

Accordingly, the application for bail, being CRM No. 9423 of 2020, is disposed of .

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

(Suvra Ghosh, J.)

(Tapabrata Chakraborty, J.)