

16.02.2022
Court No.32
Item No. 236
Avijit Mitra

C.R.M. No. 7521 of 2021

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Ashoknagar Police Station case no.781 of 2020 dated 31.10.2020 under Sections 302/201/120B/34 of the Indian Penal Code;

And

In Re : Bipad Mondal @ Raj

.... petitioner

Mr. Sandip Chakraborty,
Mr. Kaustav Das

...for the petitioner

Mr. Swapan Banerjee,
Ms. Purnima Ghosh

....for the State

Mr. Chakraborty, learned lawyer for the petitioner submitted that the whole case is based on circumstantial evidence. There is no eye-witness to implicate the present petitioner directly. Chargesheet has been filed. There is no chance of immediate commencement of trial. Accordingly, bail is prayed for. It is submitted that the petitioner is languishing in custody for about 1 year and 3 months. Forensic report of the offending weapon has not yet come. Therefore, it cannot be said with certainty that the petitioner has direct complicity in the alleged offence. Accordingly, the petitioner prays for bail.

Per contra, Mr. Banerjee, learned lawyer appearing for the State submitted that the deadbody was recovered from the septic tank belonging to the house of the present petitioner. This apart, there is statement of the present petitioner leading to recovery of offending weapon. According to Mr. Banerjee strong incriminating elements are

there against the present petitioner and the allegation is very grave and serious and accordingly, he opposed the bail.

We have heard the rival submissions and perused the case diary.

We find that chargesheet has been filed but this is too early to say that the trial will be delayed. The allegation is very grave and strong incriminating elements are there against the petitioner showing his complicity in the alleged offence. On perusal of case diary and other materials, we are not inclined to allow the bail and the same stands refused at this stage.

Accordingly, the application for bail, being CRM No. 7521 of 2021, is dismissed.

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)