

CRM 8284 of 2021
(via video conference)

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

And

In Re : Hasan Mondal

.....Petitioner

Mr. Sekhar Kumar Basu, Sr. Adv.
Mr. Kusal Kumar Mukherjee
Mr. Diptangshu Basu

.....for the Petitioner

Mr. Madhu Sudan Sur, Ld. APP
Mr. Dipankar Paramanick

.....for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Dhubulia P.S. Case No. 270/20 dated 23.10.2020 under Sections 302/34 of the Indian Penal Code read with Sections 25/27 of the Arms Act.

Mr. Basu, learned senior advocate appearing for the petitioner submits that after rejection of the petitioner's prayer on 16th August, 2021, another co-accused, namely, Dipankar Mondal, had been enlarged on bail by a co-ordinate Bench of this Court on 23rd August, 2021. The allegations are omnibus in nature. The petitioner is languishing in custody for about 464 days and there is also no possibility towards early conclusion of the trial. In the said conspectus, the petitioner may be enlarged on bail on any stringent condition.

Mr. Sur, learned Additional Public Prosecutor appearing for the State opposes the petitioner's prayer and submits that after rejection of the petitioner's prayer, the prayer for bail of one Santu

Saha and one Yash Sk. was also rejected. There is direct involvement of the petitioner in the alleged offence and there had been no change in the circumstances subsequent to rejection of his prayer for bail.

Heard the learned advocates appearing for the respective parties.

Upon assessment of the materials in the case diary, it, *prima facie*, appears that the role assigned to the petitioner is similar to that of one Sentu Saha and one Yash Sk, whose prayer for bail was turned down by different co-ordinate Benches of this Court.

The statements of the witnesses, as recorded, indicate direct involvement of the petitioner in the alleged offence.

Considering the seriousness of the offence, its ramification and the extent of complicity of the petitioner, we are not inclined to exercise any discretion in his favour. As such, his prayer for bail is refused at this stage.

The application CRM 8284 of 2021 is, accordingly, 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.)