

06.07.2023
Sl. No.25
akd
[Rejected]

C. R. M. (DB) 2031 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 15.05.2023 in connection with Tehatta Police Station Case No.366 of 2020 dated 06.09.2020 under Sections 302/34 of the Indian Penal Code.

And

In Re: ***Provakar Mondal @ Token Mondal & Ors.***

... .. Petitioners

Mr. Sekhar Kumar Basu .. Sr. Advocate
Mr. Asraf Mandal

... .. for the petitioners

Mr. Sanjib Seth

... .. for the de-facto complainant

Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor
Mrs. Sonali Das

... .. for the State

It is submitted on behalf of the petitioners that they are in custody for more than two years. Petitioners and the victim are family members. There was a dispute amongst themselves. Possibility of false implication cannot be ruled out. There is little possibility of the trial concluding in the near future. Hence, they pray for bail.

Learned Additional Public Prosecutor opposes the prayer for bail and submits bail prayer of the petitioners was rejected earlier on merits.

Learned Advocate for the de-facto complainant also opposes the prayer for bail.

We have considered the materials on record. Bail prayer of the petitioners was rejected earlier on merits. Thereafter, pursuant to the direction of this court, charges have been framed. Date has also been fixed for recording prosecution evidence. At this stage, we do not consider it prudent to enlarge the petitioners on bail.

The application for bail is thus rejected.

Trial court is directed to conduct the trial by fixing schedules at regular intervals and examine the witnesses particularly the eyewitnesses at the earliest preferably within six months from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

Parties shall communicate a copy of this order to the trial court for due compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)