

12.10.2023.
21.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 3965 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hanskhali P. S. Case No.516 of 2022 dated 31.05.2022 under Sections 302/201/34 of the Indian Penal Code.

In the matter of : **Paresh Mondal.**

... Petitioner.

Mr. Arindam Jana,
Mr. Asraf Mondal,
Mr. Soumojit Chatterjee,
Mr. Md. S. Biswas,
Mr. A. Sengupta,
Mr. P. P. Sinha.

...for the Petitioner.

Mr. Neguive Ahmed, Id. A.P.P.,
Ms. Ayantika Ray.

...for the State.

Mr. Mukteswar Maity,
Ms. Manika Sarkar.

...for the de-facto complainant.

1. Petitioner submits he is innocent. Recovery of a part of the motor cycle used in the crime is a manufactured piece of evidence. There is no possibility of trial concluding in the near future. He prays for bail.

2. Learned Advocate for the State opposes the bail prayer. He submits wife of the petitioner implicated him in the crime. Incriminating article was recovered from him. Charge has been framed and date has been fixed for recording evidence.

3. Mr. Maity, learned Advocate appearing for the de-facto complainant also opposes the bail application.

4. We have considered the materials on record. There are materials connecting the petitioner with the crime. His bail prayer was rejected earlier on merits. Thereafter, charge has been framed and date has been fixed for recording evidence. Offences, if proved, would attract mandatory life imprisonment.

5. Under such circumstances, we are not inclined to grant bail to the petitioner.

6. Accordingly, the prayer for bail of the petitioner is rejected.

7. We request the Trial Court to conduct the trial by fixing schedules at short intervals and conclude the same at an early date preferably within two years from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

8. Parties shall co-operate with the trial in this regard and communicate this order for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)