

08.
Court
No.28

12.06.2024

(Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 1587 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **Chapra Police Station Case No. 433/2021** dated **03.10.2021**.

And

In the matter of: - **Nasir Mondal**

Mr. Kusal Kr. Mukherjee, Adv.,
Ms. Pranidhi Singh, Adv.

...petitioner.

...for the petitioner.

Ms. Minoti Gomes, Adv.,
Mr. Bikram Mitra, Adv.

...for the State.

The petitioner renews his prayer for bail. His prayer was rejected by a co-ordinate Bench by an order January 4, 2022, passed in CRM 8956 of 2021.

The petitioner says that he had no specific role to play in the incident of alleged murder. The statements of witnesses are inconsistent. He has been in custody for two years and eight months. There is no certainty as to when the trial will reach its logical conclusion. He should be enlarged on bail.

Learned Advocate for the State strongly opposes the prayer for bail. She draws our attention to the deposition of an eyewitness who clearly states that the petitioner assaulted the victim on her head with brick and as a result thereof, the victim sustained bleeding injury on her head. The victim succumbed to the injury later on.

We are also told that ten out of fourteen witnesses have already been examined. Therefore, it is very likely that the trial shall come to its logical conclusion very soon.

On an overall assessment of the facts and circumstances of the case and the *prima facie* incriminating material against the petitioner, we are not inclined to allow the petitioner's prayer for bail, at this stage.

The application being CRM (DB) 1587 of 2024 is accordingly dismissed.

However, keeping in mind that the petitioner has been in custody for quite a long period of time, we request the learned Trial Court to conclude the trial as soon as possible and preferably within a period of six months from the date of communication of this order excluding the official vacations.

The parties shall communicate this order immediately to the learned Trial Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)