

13.
Court
No.28

12.06.2024

(Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 1659 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **Hariharpara Police Station Case No. 127/2022** dated **23.03.2022**.

And

In the matter of: - **Mojnu Mondal @ Majnu Mondal** ...petitioner.

Mr. Soumyajit Das Mahapatra, Adv.,
Ms. Madhurai Sinha, Adv. ...for the petitioner.

Mr. Sanjoy Bardhan, Adv.,
Ms. Sudipa Biswas, Adv. ...for the State.

The petitioner is one of nine accused persons. The charge is of dacoity. The petitioner says that the only allegation against him, at the highest, could be that he was the receiver of stolen property. He played no role in the alleged dacoity.

Learned Advocate for the petitioner further submits that although the bail application of one Masum Reja Mondal @ Bullet was rejected by a co-ordinate Bench by an order dated October 5, 2023, the said person and the petitioner do not stand on the same footing.

Learned Advocate for the State produces the case diary and strongly opposes the prayer for bail. He refers to statements of witnesses recorded under Section 161 of the Code of Criminal Procedure, 1973, as also depositions of witnesses. He further says that on the basis of leading statement made by the

petitioner, 131 grams of gold was recovered from the house of the petitioner.

On a consideration of the material on record and the *prima facie* complicity of the petitioner in the alleged offence, we are not inclined to allow this application for bail.

The application being CRM (DB) 1659 of 2024 is accordingly dismissed.

We find that a co-ordinate Bench by an order dated October 5, 2023, passed in CRM (DB) 3840 of 2023, being an application made by another co-accused, while rejecting the prayer for bail, requested the learned Trial Court to conclude the trial as expeditiously as possible and preferably within two years from the next date fixed for recording evidence of prosecution witnesses without granting unnecessary adjournment to either of the parties. Accordingly we trust and hope that the learned Trial Court shall take the trial to its logical conclusion at the earliest.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)