

02.07.2025
SL No.46
Sg/sm

C.R.M (M) 801 of 2025

In Re: - An application for under Section 439 of the Criminal Procedure Code, 1973 under Section 483 **B.N.S.S** 2023 filed on **18.06.2025** in connection with **Singur** P.S. Case No. **273 of 2024** dated **26.06.2024** under Sections **394/395/397/412** of the Indian Penal Code, 1860.

And

In the matter of: **Abhijit Mondal**

....Petitioner

Mr. Avirup Mondal
Mrs. Ahana Ghosh Mondal
Mr. Debdipta Sen

...for the petitioner

Mr. Ranabir Roy Chowdhury
Mr. S. Chatterjee

...for the State

1. Learned counsel for the petitioner submits that after the earlier bail application was rejected by the Division Bench of this Court on 26th February, 2025 in CRM (DB) 4384 of 2024 there are change in the circumstances as defacto-complainant in his statement recorded on 28th April, 2025 during the cross-examination of co-accused Sk. Najibul has stated that his father was not carrying bag with him at the time of returning from the jewellery shops. Learned counsel submits that the petitioner is in custody for the last around 350 days and since only four witnesses out of 15 witnesses have been examined . The trial may take long time.

2. Learned counsel for the State has opposed the bail application on the ground that there are no change of circumstances. Learned counsel for the State submits that the

cases of the prosecution is that recovery of the stolen articles were effected from the house of the accused and the same was duly identified.

3. The Apex Court has time and again deprecated the practice of moving successive bail applications without any change of any circumstances. In the present case the bail application was earlier rejected on the ground of allegation of recovery of stolen articles. The part of the cross-examination of the defacto-complainant as relied upon by the learned counsel for the petitioner in fact does not indicate any change of circumstances even otherwise the statement of any witnesses cannot be read or appreciated in a piecemeal manner. This court do not find any change in circumstances entitling the petitioners to bail.

4. The Court is conscious of the fact that petitioner is in custody for last around one year. The speedy trial is the right of an under trial petitioner. Thus trial court is directed to expedite the trial and conclude it in a time bound manner. However, the petitioners shall be at liberty to move fresh bail application on the ground of change of circumstances or prolonged incarceration.

5. Accordingly, bail application is dismissed.

6. All parties shall act on the basis of the server copy of this order.

(Dinesh Kumar Sharma, J.)