

**CIS-43/2023**  
**ST-03(02)2024**  
**SC-07(09)2023**  
**(J.O.Code-WB00875)**

**Order No. 29**  
**Dated: 09.12.2024.**

Today is fixed for production of sole accused Monoranjan Jana and hearing of bail petition filed for accused.

Accused Monoranjan Jana is produced from JC and he is represented by his Ld. Counsel.

Ld. PP in charge namely Sri Amitava Roy files hazira for the State.

CD is produced.

Both sides are present.

The case record is taken up for hearing of bail petition filed for accused Monoranjan Jana.

Heard both sides.

At the very outset, Ld. Defence Counsel submits that no bail petition in respect of this accused in connection with this case is pending before any upper forum as on this date, nor has the same been rejected previously by any upper forum. It is submitted that the accused is in J/C since 20.05.2023 and there is no motive behind alleged murder, either in the written complaint or in any other documents. The accused is a 77 years old man and the deceased was a maid in the house of accused. The complainant is the daughter of the deceased. The accused has been falsely entangled in the present case. Hence, is the prayer for bail of the accused.

Ld. P.P. in-charge opposes the bail petition and submits that on 12.05.2023 at 6:30 p.m. the CDR location of the mobile phone of accused and the mobile phone of deceased shows that the deceased at that time was present in the house of accused. The post-mortem report goes to reflect several injuries on the scalp of deceased. The date of occurrence of incident was 12.05.2023 and the statement recorded u/s 164 Cr.PC of a public witness reveals that the deceased on that date was seen in the house of the accused with the accused sitting besides her. The body of the deceased was recovered from the Well in the house of accused. Ld. PP in charge further submits that in a recent judgment on 04.12.2024 Hon'ble Apex Court has been pleased to hold that ordinarily in serious offences like rape, murder, dacoity etc., once the trial commences and the prosecution starts examining its witnesses, the Court be it the Trial Court or the High Court should be loath in entertaining the bail application of the accused. It is only in the event if the trial gets unduly delayed and that too for no fault on the part of accused, the Court may be justified in ordering his release on bail on the ground that right of the accused to have a speedy trial has been infringed. Ld. PP in charge while submitting this takes me to the order sheets dated 15.04.2024, 20.05.2024, 27.06.2024, 24.07.2024, 17.08.2024, 20.09.2024 and 08.11.2024 and submits that since after framing of charge on 16.02.2024, on all the aforesaid dates witness was present but evidence could not be taken as Ld. Defence Counsel was absent on repeated calls or otherwise.

Considering the materials on record, it is found that there is serious allegation against this accused. It is true that evidence has not yet commenced. On 15.04.2024, 20.05.2024, 27.06.2024, 24.07.2024, 17.08.2024, 20.09.2024 witness was present but Ld. Defence Counsel did not turn up. On 08.11.2024 though witness was present no evidence could be taken as Ld. PP in charge prayed for adjournment. In such circumstances, keeping into consideration the gravity of alleged offence, this Court at this stage as such is not inclined to release the accused on bail.

Accordingly, bail petition filed for accused Monoranjan Jana is rejected.

To date i.e. 27.01.2025 for production and evidence of CSW-1.

Prosecution is directed to take steps for producing witness on date so fixed positively and in order to avoid any further delay, both sides are directed to come prepared for evidence.

Dict. & Corr. by me