

24-09-2020
Subha
Item no.08
rejected

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M. No. 6358 of 2020

Firdaus Molla @ Bapi

-vs-

The State of West Bengal
(Via video conference)

In Re: An application for **bail** under **Section 439 CrPC** in connection with Garden Reach P.S. Case No. 89 of 2018 dated April 23, 2018 under sections 376/366A/370/372/373/120B/34 of the Indian Penal Code.

Mr. Anirban Banerjee

...for the petitioner.

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

... for the State.

The advocate-on-record for the petitioner undertakes to affirm and properly stamp the petition as per the rules within one month of resumption of normal functioning of the court. The petition is taken up through video-conference on the basis of such undertaking.

The learned advocate appearing on behalf of the petitioner submits that the petitioner is in custody for about two years and till date charge has not been framed.

The learned advocate appearing for the petitioner further submits that in view of the two of the accused persons granted bail, the present petitioner may be released in any stringent condition.

The learned advocate appearing on behalf of the State strongly opposes the prayer for bail and submits that the bail which were granted in respect of the other co-accused persons were cancelled by a Co-ordinate Bench of this Court in CRM 3991 of 2018 and several bail petitions of the different accused persons of this case have been rejected.

We have taken into account the materials appearing in the case diary and also appreciate the same in the background of the gravity of the offence which have been alleged.

Considering the nature and gravity of the offence, we are not inclined to release the petitioner on bail. Accordingly, the prayer for bail of the present petitioner is rejected. However, the learned trial court is directed to expedite the process of consideration of charge and progress with the case once normally the functioning of the court resumes.

With the aforesaid, CRM 6358 of 2020 is disposed of.

[Tirthankar Ghosh, J]

[Sahidullah Munshi, J]

