

01.10.2020
SL No.6
AP

CRM 6632 of 2020
With
CRAN 1 of 2020
(Through Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Cooch Behar Kotwali** P.S. Case No.**401 of 2018** dated **13.07.2018** under Sections **341/323/324/325/326/307/506/34** of the Indian Penal Code and added Sections **302/120B/212** of the Indian Penal Code read with Sections **35/37** of the Arms Act.

And

In the matter of: **Nawab Hedayatul Islam @ Nawab Hedayatullah Islam**

....Petitioner.

Mr. Kallol Mondal,
Mr. Anindya Ghosh

...for the Petitioner.

Mr. A.S. Chakraborty,
Mr. T. Bhattacharjee

...for the State.

Petitioner undertakes to affirm and stamp the petition/application as per Rules within one month of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

Accordingly, the application being CRAN 1 of 2020 is disposed of.

It is submitted on behalf of the petitioner that the petitioner is in custody for more than 700 days and co-accused Md. Kalim @ Munna has been enlarged on bail.

Learned lawyer for the State opposes the prayer for bail and submits that the petitioner does not stand on the same footing with Md. Kalim @ Munna. On the other hand, prayer for bail of other co-accused persons have been turned down by coordinate benches of this court.

We have considered the materials on record. Co-accused Md. Kalim @ Munna was not present at the place of occurrence. There are prima facie materials connecting the petitioner with the alleged crime. Hence, the petitioner does not stand on the same footing with Md. Kalim @ Munna who has been enlarged on bail. Keeping in mind the aforesaid fact and the gravity of the offence, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is, thus, rejected.

However, we direct the trial court to expedite the trial and conclude the same at an early date without granting unnecessary adjournment to either of the parties.

The parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Shampa Sarkar, J.)

(Joymalya Bagchi, J.)