

23.09.2020

BP/BR
Sl. 23

CRM 6825 of 2020
With
CRAN 1 of 2020

(Via Video Conference)

In re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Chapra Police Station Case No. 243 of 2019 dated 20.08.2019 under Sections 395/412 of the Indian Penal Code and Sections 25(1)(a)/27 of the Arms Act, 1959.

In the matter of : Maidul Sk.petitioner

Mr. Zohaib Rauf
..for the petitioner.

Mr. Sudip Ghosh
Mr. Apurba Kumar Dutta
..for the State.

Learned advocate for the petitioner submits that the petitioner is in custody for a considerable period of time and he has been implicated only on the basis of statement of co-accused. Learned advocate for the petitioner further adds that there has been recording in the earlier order regarding identification parade which is against the materials on record.

Learned advocate for the State opposes the prayer for bail and submits that pursuant to the statement of the present petitioner recoveries were effected and the said recoveries were placed in identification parade which were

identified.

Learned advocate for the State submits that the alleged complicity of the present petitioner has also been brought to the notice of the learned advocate appearing for the parties in respect of the previous order passed by this court.

We find that the earlier order rejecting the prayer for bail of the present petitioner was passed on 22.06.2020 in CRM 4305 of 2020.

Having regard to the fact that there has been no change of circumstances since the last occasion when a co-ordinate bench was pleased to reject the prayer for bail of the present petitioner, we are not inclined to release the petitioner on bail at this stage.

Accordingly, the prayer for bail is rejected.

Learned advocate for the petitioner draws the attention of this court that the petitioner is in custody for about 389 days and the case is yet to be committed to the Court of Sessions which has been conceded by the learned advocate appearing for the State. We are of the opinion that the learned Committing Court must take immediate steps for commitment of the case after exhausting all the processes involved in respect of the absconding accused persons.

Learned court below is also directed to see that such commitment takes place within four weeks from the

==

next date so fixed by the learned court below.

The application for bail being C.R.M. 6825 of 2020
and C.R.A.N. 1 of 2020 are disposed of.

(Samapti Chatterjee, J.)

(Tirthankar Ghosh, J.)