

30.09.2020

Item No.11

Ct.No.11

dc.

Rejected

C.R.M. 7058 of 2020

(Through Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhagwangola P.S. Case No. 217 of 2019 dated 16.05.2019 under Sections 302/120B/201/34 of the Indian Penal Code.

And

In the matter of : Aliul Haque @ Aliul Hoque & Anr.
... Petitioners.

Mr. Sabir Ahmed,
Mr. Ali Ahsan Alamgir,
Ms. Riya Das,
Mr. S. Sankar,
Mr. A. Saha,
Ms. Rabia Khatoon ... For the Petitioners.

Mr. Swapan Banerjee,
Ms. Purnima Ghosh ... For the State.

Petitioners undertake to affirm and stamp the petition/application as per Rules within a month of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conferencing.

Mr. Ahmed, learned advocate appearing for the petitioners submits that the present petitioners are on better footing than persons who have been granted bail in the instant case and as such, are entitled to be released on bail. He further submits that as charge-sheet has been submitted and charge has already been framed, further detention of the petitioners is unwarranted.

Mr. Banerjee, learned advocate appearing for the State opposes the prayer for bail and draws the attention of this Court to the relevant statements of witnesses on which the prosecution has relied upon for implicating the present petitioners. He has also drawn the attention of this Court to the post mortem report, the surathal report as also the statements under Section 161 of the Code of Criminal Procedure and Section 164 of the Code of Criminal Procedure of all the witnesses.

We have perused the materials on record which are available in the case diary and on appreciation of the same, we are unable to satisfy ourselves for extending the privilege of bail to the present petitioners. Accordingly, prayer for bail of the petitioners is rejected.

However, the learned trial court is directed to expedite the process of examination of the witnesses and take all endeavour for concluding the trial within a reasonable period of time.

With the aforesaid observations, CRM 7058 of 2020 is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with the necessary formalities.

(Tirthankar Ghosh, J.)

(Samapti Chatterjee, J.)