

18.11.2020
SL No.25
Court No.12
(GB)

CRM 7396 of 2020
CRAN 1 of 2020
(Via Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973.

And

In the matter of: **Murshed Sk.**

....Petitioner.

Ms. Pronoti Goswami.

...for the Petitioner.

Mr. Swapan Banerjee,
Ms. Purnima Ghosh.

... for the State.

The petitioner undertakes to affirm and stamp the petition/application as per Rules within 48 hours of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

Pursuant to the order dated 5th October, 2020 the State was directed to produce those orders where the Court has rejected the said bail application and also to produce records to substantiate the argument that there is an apprehension that the petitioner would escape from the country if enlarged on bail. Pursuant to the said direction a detailed report meticulously prepared has been filed by the Sub-Inspector of Chapra P.S., Nadia dated 13th October, 2020. From the said report it appears that the present petitioner applied for bail in April, 2020 along with Milan Sk. and another. The said application for bail being CRM 3302 of 2020 was dismissed by a Coordinate Bench. The said order is reproduced hereinbelow:

“28.04.2019 (Sic.)

28.04.2020

CRM 3302 of 2020
With
CRAN 1654 of 2020

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The petitioners claim that the instant case has been made and the petitioners have been framed.

The State says that the stole articles were recovered from the possession of the petitioners and the petitioners have several cases pending against each of them.

Considering the material against the petitioners and the criminal antecedents, it may not be prudent to enlarge them on bail.

CRM 3302 of 2020 and CRAN 1654 of 2020 are disposed of by rejecting the prayer of the petitioners.”

Apart from the fact that there has been no change in circumstances from the earlier order of rejection and the report filed by the Investigating Officer disclosing that the long Indo-Bangladesh border in and around Chapra P.S. the large portion of which is unfenced, we are of the prima facie opinion that the apprehension expressed by the Investigating Officer cannot be ignored.

On consideration of all the materials against the petitioner and the earlier order of rejection we are not inclined to allow this application for bail. However, considering the length of detention and having regard to the fact that the case has been committed to the Court of Sessions and is due for framing of charges we direct the Additional District and Sessions Judge, 1st Court, Nadia to

take immediate steps for framing of charges positively by the next date fixed and to proceed with the trial by preparing a schedule and such schedule should be strictly adhered to and no adjournment should be granted to either of the parties unless there are avoidable reasons. The Sessions Court shall issue peremptory directions in this regard.

The report filed is kept with the record.

This application accordingly stands disposed of.

There will be no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Soumen Sen, J.)

(Saugata Bhattacharyya, J.)