

18.11.2020
Item No.13
Ct.No.11
dc.

C.R.M. 7941 of 2020
C.R.A.N. 1 of 2020
(Through Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure in connection with Palashipara P.S. Case No. 79 of 2020 dated 20.04.2020 under Sections 341/447/325/326/307/34 of the Indian Penal Code and adding Section 302 of the Indian Penal Code.

And

In the matter of : Samar Biswas @ Guye ... Petitioner.

Mr. Atis Kumar Biswas,
Mr. Amit Singh ... For the Petitioner.

Mr. Tanmoy Kumar Ghosh,
Mr. Arindam Sen ... For the State.

The petitioner undertakes 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.

The learned advocate for the petitioner submits that the petitioner is in custody for about 139 days and charge-sheet has already been submitted. The learned advocate further submits that there was a land dispute which was the point of conflict and the consequential act being not in control of the present petitioner, he has been implicated along with others. The learned advocate further emphasises

that there is no specific role attributed to the present petitioner in the commission of the alleged offence and as such, he may be released on bail.

The learned advocate for the State opposes the prayer for bail and draws the attention of this Court to order dated 25.08.2020 passed in CRM 5840 of 2020 and order dated 28.08.2020 passed in CRM 5702 of 2020. The learned advocate further submits that seven of the accused persons are still absconding.

We have perused the materials on record as also the earlier orders passed by co-ordinate Bench of this Court. On appreciation of the materials in the case diary and the fact that the present petitioner is more or less on the same footing as the other accused persons whose bail applications were rejected by co-ordinate Bench of this Court, we do not think it would be fit and proper to enlarge the petitioner on bail at this stage. Accordingly, prayer for bail is rejected.

However, none of the advocates could apprise this Court regarding the present stage of the proceedings before the learned court below. Under such circumstances, we are constrained to direct the learned court below to exhaust the process so far as the absconding accused persons are concerned within a limited period of time and thereafter take steps for committing the present case to the court of sessions so that trial of the case can progress.

With the aforesaid observations, CRM 7941 of 2020 and CRAN 1 of 2020 are disposed of.

Registry is directed to take steps to communicate this order to the learned court below.

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

(Tirthankar Ghosh, J.)

(Subrata Talukdar, J.)