

19.10.2020
Item no. 09
Ct.12
FB/G. S. Das

C.R.M. No.8012 of 2020

(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in Nowda Police Station case No. 46 of 2017 dated 04.03.2017, under Sections 302/307/34 of the Indian Penal Code.

And

In the matter of:-

Murselim Sk

... Petitioner

Mr. A. Chakrabarti

... petitioner

Mr. Neguive Ahmed

Ms. Amita Gaur

..for the State

The 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.

Learned Counsel for the petitioner submits that the petitioner is innocent and the principal accused has already been arrested. The Charge-sheet has already been submitted and the custodial interrogation of the petitioner is not required.

Learned Counsel for the State however opposes the prayer for bail and it is submitted that the petitioner has deliberately suppressed the order passed in CRM 8622 of 2019 passed on 18th September, 2019.

It is further submitted that the complicity of the petitioner is established from the report prepared by the Investigating Officer and in the charge-sheet.

We have considered the materials on record as well as the order passed by the Coordinate Bench on 18th September, 2019. While refusing to grant anticipatory bail, the Hon'ble Division Bench recorded that the materials concerned *prima facie* disclosing the involvement of the petitioner in the murder of the victim and he had absconded for more than two years and it is not desirable that he should be released on anticipatory bail.

Although the charge-sheet has been filed, the fact remains that he was absconding for more than two years and there could be every possibility that the petitioner might abscond if he is released on bail, furthermore, it appears that trial has already commenced. On such consideration we are not inclined to grant bail to the petitioner.

The application for bail is rejected.

However, we request the Learned Trial Judge to expedite the trial and conclude the trial as early as possible.

CRM 8012 of 2020 is disposed of.

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

Urgent certified photostat copy of this order, if applied for, be supplied to the parties, subject to convenience with all requisite formalities.

(Abhijit Gangopadhyay, J.)

(Soumen Sen, J.)