

19.11.2020
(8) KC

C.R.M. 8531 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 in connection with Gholsi Police Station Case No. 456/2019 dated 06.11.2019 under Sections 436/326/307/34 and adding Section 302 of the Indian Penal Code.

In the Matter of : Ekram Sk.

.... petitioner.

Mr. Imtiaz Ahmed,
Mr. Diptendu Banerjee,
Mr. Sinthia Bala.....For the petitioner.

Mr. Saibal Bapuli,
Mr. Arani Bhattacharya.....For the State.

The advocate-on-record for the petitioner undertakes to affirm and properly stamp the petition as per the rules within forty eight hours of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

The application for bail of the petitioner was rejected by this court on 5th June, 2020. No changed circumstance is brought to our notice.

However, we note that the charge against the petitioner is, inter alia under Section 302 of the Indian Penal Code. The occurrence took place on 6th November, 2019. The daughter of the victim was the complainant against the father and uncle. The uncle is the petitioner before us.

Although there is no mention of the petitioner in the dying declaration there is mention of his name in the statement recorded under Section 164 of the Code of Criminal Procedure. The case has been committed to the Court of Sessions.

We also note that there are no allegations on record against the petitioner with regard to interference with witnesses, tampering with evidence or fleeing from justice.

In that view of the matter we direct the court below to expeditiously hold and conclude the trial by 30th April, 2021 failing which the petitioner shall be entitled to be granted bail by the court below.

CRM 8531 of 2020 and the interim application filed therein are disposed of.

(I.P. MUKERJI, J.)

(MD. NIZAMUDDIN, J.)

