

12.11.2020
D/L-28
PP/BM

CRM 9091 of 2020

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sessions Case No.69 of 2020 arising out of Monteswar P.S. Case No.291 of 2018 dated 26.11.2018 under Sections 302/34 of the Indian Penal Code.

And

In the matter of: **Nasiruddin Chowdhury**

....Petitioner.

Mr. Allen Felix

...for the Petitioner.

Mr. Saswata Gopal Mukherji, Ld. P.P

Ms. Faria Hossain,

Ms. Baisali Basu

...for the State.

It is submitted on behalf of the petitioner that the petitioner is in custody for one year and seven months without any trial as yet. It is further pointed out that the case has been committed in the court of sessions only in the month of April, 2020 and the next date is fixed for consideration of charge. Lastly, forensic report has not been collected by the prosecution in connection with the alleged offence. The offence alleged is that under Section 302 of the IPC in which the petitioner is in custody for a considerable period of time.

It is not understood by us as to why there was delay in commitment of the court of sessions. However, this Court finds materials in the case diary as placed before us by the learned counsel for the State. Further, considering the statement recorded under Section 164 of the Cr. P. C. and the materials in the case diary and seriousness of the offence as alleged and also that previously the bail prayer of the petitioner was turned down by a coordinate Bench of this Hon'ble Court and there is no new

development in the situation in the matter so as to warrant our attention to consider for admitting the petitioner on bail, the prayer for bail is refused at this stage.

CRM 9091 of 2020 is disposed of.

(Tirthankar Ghosh, J.)

(Shivakant Prasad, J.)