

20.01.20
Sl. No.45
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Ct. No.1

CALCUTTA HIGH COURT

In the Circuit Bench at Jalpaiguri

C. R. M. 1028 of 2019

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.11.2019 in connection with Kharibari Police Station Case No.74 of 2017 dated 09.04.2017 under sections 302/120B/34 of Indian Penal Code read with section 25(1)(a) / 27 of the Arms Act.

And

In Re: **Harendra Yadav** Petitioner

Mr. Sourav Ganguly for petitioner

Mr. Ujjal Luksom,
Mrs. Namrata Das for State

Petitioner seeks bail having been in custody now for 930 days. He is accused under sections 302/120B/34 of Indian Penal Code read with section 25(1)(a) / 27 of the Arms Act in connection with Kharibari Police Station Case no.74 of 2017 dated 9th April, 2017.

Mr. Ganguly, learned advocate appears on behalf of petitioner and files supplementary affidavit pursuant to direction earlier obtained. Mr. Luksom, learned advocate appears on behalf of State and opposes the application.

The supplementary affidavit discloses two orders of rejection, dated 27th November, 2017 and 20th June, 2018. Though by a later order dated 18th March, 2019, when petitioner had been in custody for 500 days, the application for bail was rejected and splitting up and expeditious trial directed, we find same situation persisted on 20th June, 2018 on delay in trial not being at behest of prosecution. In view of persisting same situation, we are not inclined to grant bail. The application for bail is rejected.

(Arindam Sinha, J.)

(Biswajit Basu, J.)

