

12.01.21
S.R.
Sl.12
Ct.28

CRM No.115 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with South Bidhannagar Police Station Case No.125 of 2020 dated 28.09.2020 under Sections 326/307/34 of the Indian Penal Code;

And

In re: Sujay Mondal ... petitioner.

Mr. Arnab Saha

Mr. Soumik Bagchi ... for the petitioner.

Mr. Binoy Panda

Ms. Puspita Saha ...for the State.

The learned advocate appearing for the petitioner submits that although the statutory period has expired and charge-sheet has not been submitted till date. The petitioner is in custody.

Mr. Panda, learned advocate appearing for the State acknowledges that till date charge-sheet has not been submitted.

In view of the fact that the petitioner is only agitating on the ground of default, we grant him liberty to first move the concerned Magistrate for the purpose of default.

In view of the aforesaid, the petitioner is granted liberty to agitate the points in respect of Section 167(2) of the Code of Criminal Procedure before the learned court below.

With the above observations, the application for bail being CRM No.115 of 2021 is, thus, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)