

08.01.2021
Item no.30
Ct.5
CHC
Rejected

C.R.M. No.137 of 2021

(Physical Hearing)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Chanchal Police Station Case No. 399 of 2018 dated 24.06.2018 under Sections 376D/392 of the Indian Penal Code.

And

In the matter of:-

Afjal & anr.

... Petitioners

Mr. Koustav Bagchi

.. for the petitioners

Mr. Swapan Banerjee,
Ms. Purnima Ghosh

..for the State

Learned advocate for the petitioners Mr. Koustav Bagchi renews the prayer for bail after it was rejected in August, 2019 for the delay in the commencement of the trial even after the commitment of the case.

It is submitted by the learned advocate for the petitioners that petitioners are similarly circumstanced with Ujjal Mahato who is now enjoying bail at this moment and they are in custody for above 920 days.

Learned Additional Public Prosecutor raises strong objection against the prayer for bail disputing the claim of parity, sought to be achieved in this case, and further contending that the

petitioners remained identified in T.I.P. together with recovery of stolen items, said to have been taken away from the victim at the time occurrence.

Having considered the materials already collected in the C.D. in context with rival submission of both sides and bearing in mind a significant fact that Ujjal Mahato alone was left over the place of occurrence soon after the crime was concluded, with whom the victim girl allegedly having had her love relationship, we are not prepared to accept the submission of the learned advocate for the petitioners advancing a claim of parity with that of Ujjal Mahato. We, however, most respectfully subscribe the same view as expressed by the Hon'ble Division Bench, while rejecting the prayer for bail, dated 10.10.2018 vide CRM 8957 of 2018.

The prayer for bail stands refused.

We, however, request the learned court below to expedite the trial subject to its convenience.

C.D. be returned.

CRM 137 of 2021 stands **disposed of**.

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

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

(Subhasis Dasgupta, J.)

(Subrata Talukdar, J.)