

14.01.2021
Item No.34
Ct.No.28
dc.
Rejected

C.R.M. 301 of 2021
(Via Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure.

And

In the matter of : Sayed Sk. ... Petitioner.

Mr. Mrityunjoy Chatterjee ... For the Petitioner.

Mr. Swapan Banerjee,
Ms. Purnima Ghosh ... For the State.

The present application under Section 439 of the code of Criminal Procedure has been preferred by the petitioner in connection with G.R. Case No. 2437 of 2015 arising out of Kaliachak P.S. Case No. 374 of 2015 dated 15.07.2015 under Sections 363/365 of the Indian Penal Code with adding Section 302 of the Indian Penal Code.

The learned advocate appearing for the petitioner submits that the alleged incident occurred on 15.07.2015. Investigation was conducted and charge-sheet was filed five years thereafter on 15.12.2020. He further informs this Court that the other co-accused persons have already been granted bail by a Co-ordinate Bench of this Court primarily considering the fact of delayed investigation. As upon completion of investigation, charge-sheet has already been

filed, further detention of the petitioner, who is in custody for more than 115 days, is not necessary.

The learned advocate appearing for the State submits that the delay occurred due to an outbreak of fire in the police station in the year 2016.

Having heard the learned advocates and considering the materials in the case diary, the gravity of the offence and the extent of complicity of the petitioner, we are not inclined to grant bail at this stage.

The application for bail being CRM 301 of 2021 is, thus, dismissed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)