

18.03.2021.
63.
as
(Rejected)

C.R.M. 330 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sainthia P. S. Case No.161 of 2015 dated 14.08.2015 under Sections 498A/302 of the Indian Penal Code and charge sheet submitted under Sections 498A/302/379/411 of the Indian Penal Code and supplementary charge sheet submitted under Sections 498A/302/379/411 of the Indian Penal Code.

In the matter of : Balaram Chatterjee @ Chattopadhyay
@ Balai.

.... Petitioner.

Mr. Chandra Sekhar Jha.

...for the Petitioner.

Mr. Binay Panda,
Ms. Puspita Saha.

...for the State.

The Advocate-on-record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

This is an application for bail in connection with Sainthia P. S. Case No.161 of 2015 dated 14.08.2015 under Sections 498A/302 and charge sheet submitted under Sections 498A/302/379/411 of the Indian Penal Code and supplementary charge sheet submitted under Sections 498A/302/379/411 of the Indian Penal Code at the behest of the petitioner.

The learned Advocate appearing for the petitioner submits that he is languishing in jail since 11th April, 2018. There is no substantial progress which can be seen in the trial and, therefore, the petitioner should be released on bail.

The learned Advocate appearing for the State opposes the prayer for bail. She submits that the victim was brutally murdered and there is incriminating materials against the petitioner. She further relies upon the statement of the minor children recorded under Section 164 of the Code of Criminal Procedure.

The instant case was registered on 14th August, 2015 and the petitioner could avoid the arrest for nearly three years ago and in fact was arrested from Bhopal.

We have perused the statement of the minor children recorded before the Judicial magistrate under Section 164 of the Code of Criminal Procedure narrating the sequence of events and the complicity of the petitioner to the alleged offence. It is informed to us that the trial has commenced and in effect two witnesses have already been examined. Next schedule of recording evidence is fixed from tomorrow (19.03.2021).

In view of the materials available from the Case Diary and the statements of the minor children as well as the other persons recorded under Section 164 of the Code of Criminal Procedure, we do not find that it is a fit case where the petitioner should be enlarged on bail.

Accordingly, the prayer for bail of the petitioner is rejected.

(Harish Tandon , J.)

(Tirthankar Ghosh, J.)