

21.01.2021
Item No.18
Ct.No.28
Subha
rejected

C.R.M. 358 of 2021
(Via Video Conference)

Iliyas Hossain @ Iliyas Miya and ors.
-versus-
The State of West Bengal

In Re: An application for bail under Section 439 Cr.P.C in connection with Kaliyaganj P.S. Case No. 212 of 2019 dated 16-09-2019 under Sections 143/341/447/326/302/307 of the Indian Penal Code(G. R. Case No.1484 of 2019).

Mr. Milon Mukherje, Sr. Advocate
Ms. Sreyashee Biswas
Mrs. Benazir Hasna
Ms. Puja Goswami ... For the Petitioners.

Mr. Madhusudan Sur
Mr. Dipankar Pramanick ... For the State.

Mr. Kaushik Chaudhury
Ms. Busra Khatun ...for the de facto complainant.

Mr. Mukherjee, learned senior advocate appearing for the petitioners submits that there was a long-standing dispute between the parties as regards construction of a room. The alleged incident occasioned on 17th September, 2019 at about 2.30 am and the FIR was lodged within 5 hours thereafter. Drawing the attention of this court to the seizure list and the injury reports, he submits that the allegations are not attributable to the petitioners and they have been falsely implicated.

He further submits that upon completion of the investigation, charge sheet has also been submitted and as such further detention of the petitioners, who are in custody for more than 300 days, is not warranted.

Mr. Sur, learned Additional Public Prosecutor appearing for the State opposes the petitioners' prayer and draws our attention to several documents in the case diary.

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

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

It has been submitted by Mr. Mukherjee that some of the accused persons are absconding. In view of the fact that the petitioners are in custody for about 10 months, the learned Magistrate is directed to exhaust the process of law in respect of the absconding accused persons and thereafter split up the trial and commit the case to the Court of the learned Sessions Judge.

With the aforesaid observations, the application being CRM 358 of 2021, is dismissed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)