

08.03.2021

Item No.27

Ct.No.28

dc.

Rejected

C.R.M. 710 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 : **Mokkel Sk. @ Makkel Sk**

... Petitioner.

Mr. Rajdeep Mazumder,
Mr. Pritam Roy,
Mr. Abhijit Singh

... For the Petitioner.

Mr. Neguive Ahmed,
Ms. Amita Gaur

... For the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Lalgola P.S. Case No. 569 of 2019 dated 21.08.2019 under Sections 448/302/326/307/34 of the Indian Penal Code.

Mr. Mazumder, learned advocate appearing for the petitioner submits that there was a dispute between the families of two brothers. The petitioner herein is the brother-in-law of one of the brothers. The allegations levelled against the petitioner are in the abstract and the materials do not disclose the direct involvement of the petitioner in the alleged offence. Upon completion of investigation, charge-sheet has

also been filed. Drawing the attention of this Court to an order dated 19th May, 2020 passed in CRM 3590 of 2020, Mr. Mazumder submits that there had been no progress in the trial and in the said conspectus, further detention of the petitioner, who is in custody for about 600 days, is not necessary.

Mr. Ahmed, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary.

We have perused the materials in the case diary. In the incident two persons have expired. Considering the nature of allegations, the gravity of the offence and the extent of complicity of the petitioner, we are not inclined to exercise any discretion in favour of the petitioner. As such, his prayer for bail is rejected at this stage.

Accordingly, the application for bail, being CRM 710 of 2021, is dismissed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)