

23.03.2021

Item No.84

Ct.No.28

Subha

rejected

C.R.M. 1019 of 2021

(Via Video Conference)

In Re: An application for bail under Section 439 Cr.P.C in connection ST No. 2(7) 2016 arising out of Airport P. S. Case No. 315 of 2015 dated 24-11-2015 under Sections 302/201 of the Indian Penal Code.

In the matter of : Palash Roy ... Petitioner.

Mr. Anghshuman Chakraborty

...for the petitioner.

Mr. Binoy Panda

Ms. Puspita Saha

...for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with ST No. 2(7) 2016 arising out of Airport P. S. Case No. 315 of 2015 dated 24-11-2015 under Sections 302/201 of the Indian Penal Code.

Learned advocate for the petitioner submits that the petitioner was earlier granted bail, but due to the non-communication of the learned advocate for the petitioner

on a solitary occasion, warrant of arrest was issued against him and he was, therefore, taken into custody.

Additionally, learned advocate for the petitioner submits that on any stringent condition, the petitioner may be released on bail. As on merit, he was earlier granted bail by a co-ordinate Bench of this Court.

Mr. Panda, learned advocate appearing for the State opposes the prayer for bail of the petitioner and submits that the petitioner was evading the court from the year 2018 and on the basis of the strength of the warrant of arrest, the petitioner has again arrested in the year 2020.

Having regard to the fact that the petitioner has misused the liberty which was granted by way of bail passed in CRM 4117 of 2019 on 21st June, 2016 by a co-ordinate Bench of this court and having considered the materials on record available in the case diary as well as the incriminating material appearing against the petitioner, we are not inclined to grant bail to the petitioner and as such, prayer for bail of the present petitioner is rejected at this stage.

With the aforesaid observations, the application for bail being CRM 1019 of 2021 is, accordingly, disposed of.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)