

22.06.2021

Court No.28  
Item No.4  
(Rejected)

As  
&  
adeb

**CRM 1080 of 2021**  
**(Via Video Conference)**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Taherpur Police Station Case No. 13 of 2020 dated 01.02.2020 under Sections 302/120B of the Indian Penal Code.

And

In the matter of : **Arun Basak.**

**...Petitioner**

**Mr. Sayan De,**  
**Mr. Kaustav Shome,**  
**Mr. Sayan Kanjilal.**

**...For the Petitioner**

**Mr. Madhusudan Sur, Id. A.P.P.,**  
**Mr. Dipankar Paramanick.**

**...For the State.**

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Taherpur Police Station Case No. 13 of 2020 dated 01.02.2020 under Sections 302/120B of the Indian Penal Code.

This is the third application for bail at the behest of the present petitioner. The earlier two applications for bail were rejected on 19.5.2021 (CRM 3548 of 2020) and 21.10.2020 (CRM 8376 of 2020) respectively. It is submitted by the learned Advocate for the petitioner that though the charge sheet has been filed but there is no incriminating material shown against the petitioner and, therefore, the petitioner should be released on bail.

The learned Advocate for the State opposes the prayer for bail. It is submitted that the charges have not been framed as yet.

After hearing the respective Counsels and on perusal of the materials on record, we do not find any changed circumstances as of now which warrants a different decision that had already been taken on an earlier occasion. If the contention of the petitioner appears to be correct, the remedy lies in the statute and solely on such ground, the bail cannot be allowed.

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

The application for bail, being CRM 1080 of 2021, is thus **dismissed.**

**(Harish Tandon, J)**

**(Subhasis Dasgupta,J.)**