

26.07.2021

Ct.28

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(Via Video Conference)

CRM 1253 of 2021

S. K. Chand @ Chand

-Vs.-

State of West Bengal

In Re: An application for bail under Section 439 of the Code of Criminal Procedure.

Mr. Kallol Mondal

Mr. S. Das

Mr. Musharaf Alam Sk.

Mr. Devranjan Das

..... For the Petitioner

Mr. Neguire Ahmed

Ms. Trina Mitra

.....For the State

This is the second round of application for enlarging the petitioner/accused on bail on contention that he is in limbo in jail incarcerated for the last 417 days, though, charge-sheet has been submitted but the charge has not yet been framed. It is pointed out that the accused/petitioner is the only guardian of his nephew aged two and half years who suffers from blood cancer. It is submitted that the petitioner is innocent and falsely implicated. The case in which the petitioner is required to face the trial is under Section 302/34 of the Indian Penal Code.

Learned advocate appearing for the State invites our attention to various pages of the Case Diary, particularly the pages 8, 51 to 54 in respect of the witnesses statement recorded under Section 161 of the Criminal Procedure and the statements of the witnesses recorded under Section 164 of the Criminal Procedure Code placed at page 248 to 249 of the Case Diary, that apart our attention is invited to T.I. Parade at page 226 which was held on 16.06.2020. Having given an anxious consideration to the statement and taking into consideration of all other materials and the nature of the offence and its gravity, the prayer for bail is rejected. However, since, the submission is made on behalf of the petitioner that there a boy is aged two and half years and required to be looked after, the Chairman, District Legal Services Authority concerned will look into the matter for the care of the minor child.

Thus, the application being, CRM 1253 of 2021 is dismissed.

(Bibek Chaudhuri, J.)

(Shivakant Prasad, J.)