

20-04-2021
Subha
Item no.20
rejected

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M 1290 of 2021

Sri Santosh Basak

-vs-

The State of West Bengal
(Via video-conference)

In Re: An application for bail under Section 439 CrPC in connection with Taherpur P.S. Case No.13 of 2020 dated 01-02-2020 under Sections 302/120B of the Indian Penal Code.

Ms. Sananda Bhattacharya

...for the petitioner.

Mr. Swapan Banerjee

Mr. Suman De

.....for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection Taherpur P.S. Case No.13 of 2020 dated 01-02-2020 under Sections 302/120B of the Indian Penal Code.

Ms. Bhattacharya, learned advocate appearing for the petitioner submits that the petitioner is innocent of charges and he has been implicated in the instant case. There has been no progress in the trial and the present petitioner has been languishing in jail for about 324 days.

She further submits that the petitioner is suffering from heart ailments and on such ground and considering the period of detention, he may be enlarged on bail on any stringent condition.

Mr. Banerjee, learned Additional Public Prosecutor appearing

for the State opposes the prayer for bail and draws our attention to several documents available in the case diary. Records do not reveal the issue that the petitioner is suffering from heart ailments was ever agitated before the learned court below. It also appears that on 20th October, 2020, the earlier bail application of the present petitioner was dismissed considering the statement of witnesses and the post mortem report.

In the said conspectus, considering the gravity of the offence and the extent of complicity of the petitioner, we are not inclined to exercise discretion in his favour and as such, his prayer for bail is rejected at this stage.

The application for bail, being CRM 1290 of 2021 is, accordingly, dismissed.

[Tirthankar Ghosh, J]

[Tapabrata Chakraborty, J]

