

20.04.2021

Item No.21

Ct.No.28

dc.

C.R.M. 1330 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 : **Adhir Barman & Anr.**

... Petitioners.

Mr. Sourav Chatterjee,
Mr. Subrata Saha

... For the Petitioners.

Mr. Binay Panda,
Mr. S. Bhakat

... For the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioners in connection with Balurghat P.S. Case No. 538 of 2019 dated 28.10.2019 under Sections 341/448/323/302/506/34 of the Indian Penal Code (G.R. Case No. 1134/2019).

Mr. Chatterjee, learned advocate appearing for the petitioners submits that the petitioners are in custody since 7th November, 2019 and till date there has been no progress in the case. In fact, the case has not yet been committed to the court of sessions.

Mr. Panda, learned advocate appearing for the State draws the attention of this Court to the statement of the witnesses emphasizing that relying upon such statement,

the earlier order in respect of two accused persons (being women) were passed on 15.12.2020 in CRM 2881 of 2020. The learned advocate has also drawn the attention of this Court to the charge-sheet.

We find that 13 accused persons are involved in this case and presently five accused persons are before the learned Magistrate of whom three accused persons are on bail. The present two accused persons are not similarly placed as the accused persons who have been granted bail as per evidence relied upon by the State. Accordingly, prayer for bail of the present petitioners is **rejected**.

The learned Chief Judicial Magistrate, Balurghat is directed to segregate the case of the absconding accused persons from the accused persons who are before the court and take all steps for committing the case (if not already committed) to the court of sessions for proceeding with the trial of the case.

Department is directed to communicate this order to the learned Chief Judicial Magistrate, Balurghat.

Supplementary affidavit filed in Court be kept with the record.

With the aforesaid observations, the application for bail, being CRM 1330 of 2021, is disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)