

25.03.2021

Item No.136

Ct.No.28

dc.

C.R.M. 1377 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 : **Dharmendra Singh Patel**

... Petitioner.

Mr. Kamalesh Bhattacharya,
Mr. Mazahar Hossain Chowdhury,
Mr. Ashoke Kumar Nath,
Mr. Suman Karmakar

... For the Petitioner.

Mr. Neguive Ahmed,
Ms. Trina Mitra

... For the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Dankuni P.S. Case No. 172 of 2014 dated 26.05.2014 under Sections 364/302/379/34 of the Indian Penal Code (G.R. Case No. 1038 of 2014).

Mr. Bhattacharya, learned advocate appearing for the petitioner submits that the petitioner is in custody since 22.10.2014 and till date, charge has not been framed in the instant case. The learned advocate on the ground of pendency of the present case, emphatically submits that there is no reason for the petitioner to be detained in the instant case and on any stringent condition, he may be released on bail.

Mr. Ahmed, learned advocate appearing for the State opposes the prayer for bail and draws the attention of this Court to the statement of the witnesses as also the report of the Test Identification Parade.

We have perused the materials on records and taken into account the submissions advanced by the learned advocate for the petitioner that the petitioner was also facing trial in a case at Bhopal and after being convicted he has been granted bail on 15.10.2020 in CRA 2732 of 2020, the petitioner is languishing in jail only for the purpose of the present case. We have considered the merits of the matter where incriminating materials are appearing against the present petitioner and having regard to the gravity of the offence, we are of the opinion that the petitioner is not entitled to be released on bail at this stage. As such, the petitioner's prayer for bail is **rejected**.

However, the prosecution is directed to take steps, if required to split up the trial and proceed with the instant case on a regular basis. The learned court is directed that without granting any unnecessary adjournment, trial should proceed smoothly in accordance with law.

The application for bail, being CRM 1377 of 2021, is, thus, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)