

06.04.2021.
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(Rejected)

C.R.M. 1548 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak P. S. Case No.374 of 2015 dated 15.07.2015 under Sections 363/365 of the Indian Penal Code with adding Section 302 of the Indian Penal Code.

In the matter of : Sayed Sk.

.... Petitioner.

Mr. Sandipan Ganguly, Sr. Adv.
Mr. Mritunjoy Chatterjee
Mr. Golam Nure Imrohi
Mr. Debapriya Majumder

...for the Petitioner.

Mr. Swapan Banerjee
Ms. Purnima Ghosh

...for the State.

This is an application for bail in connection with Kaliachak P. S. Case No. 374 of 2015 dated 15.07.2015 under Sections 363/365 of the Indian Penal Code with adding Section 302 of the Indian Penal Code at the behest of the petitioner.

A plea has been taken that some of the co-accused persons have already been enlarged on bail and petitioner is languishing in jail unnecessarily. We notice that rejection of an earlier application of bail being CRM 301 of 2021 where the identical plea was taken by the petitioner and the Court opined that the petitioner does not stand on the same footing. At that stage, the petitioner was languishing in jail for 115

days and now renewal prayer for bail is made as the petitioner is still in custody for nearly 200 days.

We do not find that because of longevity of the custody makes any changes in considering the prayer for bail more particularly for the second time which, in our opinion, should be decided on the gravity of the offence as well as the complicity of the petitioner thereto. Since we do not find that the petitioner stands on the same footing with that of the co-accused persons, the petitioner is not entitled to any privilege of bail.

However, we appreciate the agony shown to us for the delayed disposal of the case. The charge-sheet has already been submitted but the charges have not been framed as yet.

We direct the concerned judicial officer to take utmost efforts to bring the case for trial at the earliest and endeavour shall be shown to bring to its logical end at the earliest.

Accordingly, prayer for bail of the petitioner is rejected.

(Harish Tandon , J.)

(Tirthankar Ghosh, J.)